

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 1. DEPARTMENT OF ENVIRONMENTAL QUALITY ADMINISTRATION

PREAMBLE

1. Sections Affected

Rulemaking Action

Article 5	New Article
R18-1-501	New Section
R18-1-502	New Section
R18-1-503	New Section
R18-1-504	New Section
R18-1-505	New Section
R18-1-506	New Section
R18-1-507	New Section
R18-1-508	New Section
R18-1-509	New Section
R18-1-510	New Section
R18-1-511	New Section
R18-1-512	Reserved
R18-1-513	New Section
R18-1-514	Reserved
R18-1-515	Reserved
R18-1-516	New Section
R18-1-517	New Section
R18-1-518	New Section
R18-1-519	New Section
R18-1-520	New Section
R18-1-521	New Section
R18-1-522	New Section
R18-1-523	New Section
R18-1-524	New Section
R18-1-525	New Section
Table 1	New Table
Table 2	New Table
Table 3	New Table
Table 3-N	New Table
Table 3-S	New Table
Table 4	New Table
Table 5	New Table
Table 5-N	New Table
Table 5-S	New Table
Table 6	New Table
Table 6-E	New Table
Table 6-N	New Table
Table 6-S	New Table
Table 7	New Table

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Table 7-N	New Table
Table 7-S	New Table
Table 8	New Table
Table 9	New Table
Table 10	New Table
Table 11	New Table
Table 12	New Table
Table 13	New Table
Table 14	New Table
Table 15	Reserved
Table 16	New Table
Table 17	New Table
Table 18	New Table
Table 19	New Table
Table 19-S	New Table
Table 20	New Table
Table 21	New Table
Table 22	New Table

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 41-1003, 49-104, 49-203, and 49-425

Implementing statute: A.R.S. § 41-1076(A)

3. The effective date of the rules:

The effective date of the rules shall be 2 weeks after the notice of final rulemaking is filed with the secretary of state (August 14, 1999). The reason for this provision is to allow the Department and those members of the public governed by this rule sufficient notice of the actual effective date to make proper and reasonable preparation to act under the rule. The Department has given assurances to the public since the proposed rule was published October 23, 1998, that the rule would specify a 2-week delay to allow sufficient advance notice of the actual effective date of this rule.

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 3 A.A.R. 1878, July 11, 1997.

Notice of Rulemaking Docket Opening: 4 A.A.R. 3050, October 16, 1998.

Notice of Proposed Rulemaking: 4 A.A.R. 3089, October 23, 1998.

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: David J. Armacost or Martha Seaman

Address: Department of Environmental Quality
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6. An explanation of the rule, including the agency's reasons for initiating the rule:

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A. Introduction.

Today's rule determines how long the Department may delay a denial of an unapprovable application in each of the 476 license categories identified in this rule. Department experience is that approvable applications are approved as soon as they are determined to be approvable. The Department does not expect this to change under this rule. Prior to this rule, the Department often delayed licensing decisions on unapprovable applications while waiting for applicants to make their applications approvable. In accordance with Arizona law, this must now come to an end. This rule, however, contains numerous provisions designed to offer the maximum flexibility and assistance possible under the law for the benefit of applicants. This, in turn, will provide applicants opportunities to make their applications approvable rather than face summary denial for failure to submit complete, approvable applications on day 1 of the application review period.

Article 7.1, A.R.S. §§ 41-1072 through 41-1078 (Article 7.1), of the Administrative Procedure Act (APA) requires all state agencies to adopt licensing time-frames for every license, approval, registration, charter, or similar form of permission they issue. Once adopted, failure by an agency to grant or deny a license application within the overall time-frame for that application may subject the agency to sanctions of refunds, fee excusals, and penalties. The Department of Environmental Quality (Department) issues some of most complex licenses issued by the state. Some of these license applications can incur fees in the \$10,000 to \$50,000 range. Applications for these licenses often require highly technical substantive review of novel or unusual proposals presented by applicants for Department approval. Many of these licenses are issued by programs that the Legislature requires to be funded from license fees. It follows that implementation of Article 7.1 has a potential to disrupt Department revenues that in turn would disrupt Department programs and, consequently, the ability of Department programs to continue to process future applications.

The legislative history of Article 7.1 makes it clear that the Legislature directed agencies to revise their licensing processes specifically in order to reduce applicant uncertainty in the process and generally to make the various licensing processes more responsive to the needs of applicants. To this end, the Legislature expects the Department to work closely with the regulated community in setting time-frames leading to sanctions for the various licenses and, if possible, bring forward a rulemaking on the subject to the governor's regulatory review council (GRRC) with the full support of the regulated community. While working to obtain strong support in the regulated community in setting time-frames, the Legislature also expects the Department not to lose sight of its many statutory mandates to operate the various licensing, compliance, and enforcement programs. This means the Department must balance the desires of applicants for certainty, low fees, and rapid license approvals with the needs of the programs to remain effective and financially viable by insuring that the implementation of Article 7.1 not become an unmanageable license application review process with disastrous effects on the Department, the regulated community, and the people of Arizona.

It follows that the Department must view matters that may adversely impact fee-funded programs with great interest. License fees for such programs are set initially at (usually) optimistically low rates with the hope that such fees will be sufficient to fund the programs. Often, this turns out not to be the case. Article 7.1 adds a new element of uncertainty into this mix with its complex provisions for formal written notifications, new bases of appeal, refunds, fee excusals, and penalties. It is not statistically possible for the Department to achieve a zero refund rate under Article 7.1's requirements. This means that from time to time, refunds will occur. One central issue raised by that fact is to what extent does Article 7.1 intend that a fee submitted with a license application become less like the traditional concept of a license fee and more like a purchased chance to a free license with the losers (those who receive timely approvals or denials) eventually paying a higher fee to subsidize the winners (those who do not receive timely approvals or denials). That this has the potential to operate as a license lottery is clear. How the Department should

implement Article 7.1 to avoid the worst effects of a license lottery is not so clear. The primary goal of the Department, however, must be to assess and reduce the risks created by this Article to further underfund Department programs.

Underfunding of Department programs is an important issue and affects the regulated community in several ways, all adverse. First, underfunding exacerbates personnel difficulties. Annual employee turnover rates in some Department programs already is high. Employee replacement and training costs are also high, especially for the more technical and specialized engineering positions involved in license application review.

Second, underfunding deprives the Department of the ability to provide fair, reasoned, and reasonable review of permit applications. Each year, the Legislature enacts statutes revising and adding to the Department's duties. Statutes enacted in earlier years also continue to provide sources of new obligations. The Department, in response, is obligated to revise rules and procedures and set up new programs as required. All this requires the application of Department resources; often significant resources. Underfunding means that necessary resources will not be available and will result in both short- and long-term adverse impacts on the ability of program staffs to provide proper consideration of license applications. Underfunding also means that the Department is unable to respond adequately to normal variations in the volume and complexities of license applications beyond the control of the Department. When this inability to respond in a timely manner results directly in causing further underfunding due to the refund, fee excusal, and penalty provisions of Article 7.1, it is not unreasonable to predict that a cycle of untimely review and resulting sanctions could likely send a fee-funded program into a financial spiral. The most likely results would be an increasing number of under-reviewed or unreviewed license applications at best, or the inability by program staff to accept any new license applications at worst. Either would be a case of Department failure in its obligations to provide applicants fair, reasoned, and timely review of license applications.

Finally, underfunding of fee-funded programs inevitably will create pressures to increase fees. This result is unavoidable and can only be viewed as detrimental by the regulated community. This means that the more sanctions incurred by a fee-funded program, the more pressure will erupt to raise fees in that program. For all these reasons, Article 7.1 probably places an additional obligation on the Department in regards to fee-funded programs to use its best efforts not to incur sanctions if only to reduce the pressure to increase fees on the class of licensees under that program and to maintain a financially viable program so as to service future prospective licensees.

On the other hand, because of these pressures, Article 7.1 also presses a number of interesting changes that may well improve the Department's current licensor-licensee relationship. Current Department practice in reviewing Model E and F license applications (see § 6(C)(3)(a) for a discussion on license processing models) is often to ignore licensing decision deadlines in statute or rule if their observance would result in a decision to deny. Rather, the Department will usually continue to work with an applicant to fashion an approvable application. Although this approach can consume significant additional Department resources, it has been of benefit to applicants and probably has reduced the need for the Department to pursue enforcement action in the matter. Article 7.1 changes this. Department resources must now shift somewhat with less going to applicants in achieving an approvable license application and more going towards enforcement for failure to obtain a license. This statutory shift is sure to encourage applicants to be more attentive to their applications in the 1st instance. The result of increased applicant attention should allow the Department generally to reach decisions to grant licenses earlier than is now the case. This may well save time and money both for applicants and the Department's licensing programs.

The Department has examined Article 7.1 in great detail, conducted (and will continue to conduct) extensive internal analyses of all licensing programs, examined similar efforts by other agencies, and made a series of preliminary decisions regarding its obligations and discretion to act under Article 7.1. These, the Department presented in the detailed October 23, 1998, notice of proposed rulemaking for review and comment by the public. The Department will continue to study and evaluate the matter after the effective date of this rule, make economic analyses of the results of implementation under Article 7.1, hold public workshops to ascertain public perceptions and expectations regarding implementation, and further define its obligations and discretion to act under the Article based on actual experience under this rule. The Department has determined that Article 7.1 contains a number of important ambiguities and direct contradictions that, if not addressed squarely, could seriously undermine the ability of the Department to review license applications and jeopardize the integrity of the various compliance and enforcement programs. The Department's obligations to the Legislature, the regulated community, and the people of Arizona to maintain itself as a financially viable agency able to carry out the licensing and enforcement duties assigned to it means that the Department must take an active role in the understanding and implementation of Article 7.1.

B. Summary.

This rule prescribes a set of uniform definitions and procedures concerning the operation of the licensing time-frame requirements of Article 7.1 of the APA. These uniform definitions and operations will apply to all licensing programs administered by the Department. A series of tables appended to the rule contain 5 specific categories of information

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regarding each license: (1) the license identity including a name and description, (2) the number of business days identified for administrative completeness review, (3) the number of business days identified for substantive review, (4) whether the license is subject to sanctions (refunds, fee excusals, and penalties), and (5) an identification of the specific application components required by the Department in order to determine whether to grant a license. Only licenses identified on the tables will be subject to Article 7.1 requirements and only applications 1st received after the effective date of the rule will be subject to its sanctions and reporting requirements.

The 1st 2 sections of this rule govern definitions and applicability. The next 5 sections prescribe the starting, suspending, resuming, ending, and expiration of the 4 time-frames identified in Article 7.1: administrative completeness review, substantive review, overall, and extension. The next 5 sections prescribe the terms and operation of 5 types of bilateral time-frame agreements offered by the Department for the benefit of applicants that can affect the running of the time-frames: pre-application, supplemental request, time-frame extension, changed application, and opt-in agreements. The next 3 sections describe a number of unilateral actions that the Department may take. The next 6 sections describe a number of general provisions governing the effect of certain Department and applicant actions on the running of the time-frames and the determination of sanctions. Finally, all licenses governed by the rule are listed in the tables referenced in the last section.

This rule represents an overlay on, and operates independently from, existing statutory and regulatory application review times for the various licenses. This anomaly of independent running of concurrent review times is unavoidable due to the various suspension and extension provisions required in the counting of days by Article 7.1 but not applicable to the counting of days under the various existing statutory and regulatory review times contained in other statutes and their implementing rules.

The primary purpose of the running of the time-frames in Article 7.1 is to determine when and how sanctions occur. This means, in practice, that cases will arise when a statutory review time contained in A.R.S. title 49 has expired without the Department issuing a decision whether to grant or deny an application but, due to the operation of the counting, suspension, and extension provisions of Article 7.1, no sanctions are yet due. What this rule does is describe with specificity the point beyond which the failure of the Department to make that decision is so late that sanctions result.

The operation of Article 7.1 will force 2 important changes in current Department practices. First, in order to reduce the risk of sanctions, the Department must record and track all applications with a level of attention and diligence not necessary (or even financially prudent) in the past. This means the diversion of a certain amount of Department resources to develop, operate, and maintain the necessary application tracking infrastructure and training activities. Second, the sanction provisions will now force the Department to deny incomplete or nonresponsive applications rather than spend whatever time may be necessary to work with an applicant to fashion an approvable application as is often the case now, especially in response to novel, unusual, or highly complex application proposals. The Department has balanced this new statutory imperative to deny incomplete applications with several moderating provisions in the rule that may allow applicants an opportunity to correct or modify their applications in lieu of summary denials and forfeitures of fees paid.

C. Background.

The 42nd Legislature established the joint study committee on regulatory reform and enforcement (Study Committee) in 1995. The Study Committee issued its final report in December 1995 and the report's recommendations became the basis of Senate Bill (SB) 1056, a bill introduced in the 2nd regular session (1996) of the 42nd Legislature. Portions of that bill became law as Article 7.1, licensing time-frames, a new article added to the administrative procedure act. Several modifications to Article 7.1 were enacted into law through SB 1034, a bill introduced in the 2nd regular session (1998) of the 43rd Legislature, and made effective August 21, 1998.

1) Article 7.1.

Article 7.1 requires all state agencies to have in place final rules by December 31, 1998 "establishing an overall time-frame during which the agency will either grant or deny each type of license that it issues." A.R.S. § 41-1073(A). Licenses normally issued within 7 days of receipt of initial application are exempt. A.R.S. § 41-1073(D)(2). The rule "shall state separately the administrative completeness review time-frame and the substantive review time-frame" for each license type. A.R.S. § 41-1073(A). These 3 time-frames (overall, administrative completeness, and substantive review) represent 3 separate clocks that run concurrently or consecutively (and perhaps independently) and may be suspended under certain circumstances. Article 7.1 defines some, but not all, aspects of the starting, suspending, resuming, expiration, and ending of each time-frame.

Failure to grant or deny a license by "the expiration of the overall time-frame or the time-frame extension" results in a refund of all fees paid by the applicant plus an excusal of additional fees due but not yet paid. A.R.S. § 41-1077(A).

In addition, an agency must pay a penalty to the general fund equal to 1% of the “total fees received by the agency for reviewing and acting on the application for each license that the agency has not granted or denied on the last day of each month after the expiration of the overall time-frame or time-frame extension for that license.” A.R.S. § 41-1077(B). The penalty must come from the same “agency fund in which the application fees were originally deposited.” A.R.S. § 41-1077(B). A license denial must be written and include a justification with references to the relevant statutes or rules and an explanation identifying (1) appeal rights, (2) the number of days to file a protest, and (3) the name and telephone number of an “agency contact person who can answer questions regarding the appeal process.” A.R.S. § 41-1076.

The Department must report its level of compliance with Article 7.1 to the governor's regulatory review council (GRRC) by September 1 of each year for the previous fiscal year. A.R.S. § 41-1078(A). GRRC must, in turn, report on all agencies' compliance by December 1 of each year to the governor, the president of the senate, the speaker of the house and the cochairs of the administrative rules oversight committee (AROC). A.R.S. § 41-1078(B).

2) The “Time-frames” Concept.

Article 7.1 defines a method to determine sanctions for agency inaction through the operation of “time-frames.” This does not represent a new mandate to approve licensing applications within certain time limits or to adjust existing licensing application review times defined in statute or rule. Rather, it provides a means to count days within certain review periods or “time-frames” leading to sanctions on a licensing state agency if those time-frames expire prior to an agency decision to either grant or deny the license. Article 7.1 does this by defining the starting, suspending, resuming, ending, and expiration of 4 “time-frames”: administrative completeness review, substantive review, overall, and extension.

This represents a different concept than previously defined statutory or regulatory licensing review times. Article 7.1 directs state agencies to promulgate rules implementing the Article's requirements but does not directly require or suggest that existing licensing review times be adjusted other than as necessary to accommodate the incorporation of the time-frames.

3) Licensing Application Review Delays.

Not all current Department licensing programs have reputations for timely action. On the other hand, some do; the vehicle emissions, water and wastewater operator certification, and solid waste landfill programs, for example. Some programs have received varying degrees of criticism for failing to make timely licensing decisions. Some license applications have remained under review for significant periods long exceeding normal review times. The Department has analyzed the circumstances of these delays and has determined that license review and processing requirements follow 6 general models and that delays result from 5 general causes. The Department has used these determinations to shape several primary features of this rule. This analysis begins with a description of license processing model types and then proceeds to a discussion of delay causes.

a. License application processing models.

Six models emerge as relevant for study. The models are based on the extent and nature of interaction required between the licensee and the Department within the context of Article 7.1. They range from no interaction (Model A), notice by licensee with no Department response required (Model B), standard application with no Department substantive review prior to issuing license (Model C), standard application with Department substantive review (Model D), to nonstandard application with Department substantive review either without a public hearing (Model E) or with a public hearing on a proposed permit (Model F). The Department has determined that Article 7.1 requires the Department to promulgate time-frames and report compliance only for Models C, D, E, and F and that only Models D, E, and F are subject to Article 7.1's sanctions of refunds, fee excusals, and penalties. Figure 1 summarizes the main points of the 6 models.

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Fig. 1: License Processing Models

	Required	Nature of	Department			
	From	Application	“Issues”	Substantive	Public	
Model	Applicant	Components	License	Review	Hearing	Example
A	--	--	No	No	No	Classic general permit.
B	Notice	--	No	No	No	Asbestos NESHA notification.
C	Application	Uniform	Yes	No	No	Drywell registration.
D	Application	Uniform	Yes	Yes	No	Wastewater facility operator certification.
E	Application	Nonuniform	Yes	Yes	No	Special waste facility plan type III substantial change approval.
F	Application	Nonuniform	Yes	Yes	Yes	Class I air permit.

Model C is the simplest license type subject to Article 7.1: uniform application components with no substantive review. The applicant has no control over the type or extent of the application components (the information and other items required). All applicants must submit exactly the same components. The Department performs only clerical verification that the information has been submitted; no substantive review (qualitative evaluation) is done. The Department then issues some form of acknowledgment to the applicant that a license has issued.

One example is the dry well registration required by A.R.S. § 49-322 and shown on Table 10 as water quality license category no. 105. Applicants desiring this license must submit an application form that requires the same type of information from all applicants. The Department performs only a clerical verification that the application is complete; no qualitative evaluation (substantive review) of the information submitted is done. The Department then registers the dry well and informs the applicant of the registration. The applicant obtains the license only upon receipt of the registration confirmation; operating a dry well without registration is in violation of the law.

Article 7.1 requires the Department to adopt time-frames for this licensing model and report on Department compliance annually to GRRC but prescribes that no Article 7.1 sanctions will result from Department failure to grant or deny this type of license before the expiration of the overall time-frame; even if the license requires a fee. The Department administers only a few license categories of this model and only a relatively low number of licenses within those categories.

Model D. Model D represents the standard model: uniform application components with substantive review. As in Model C, the applicant has no control over the type or extent of the application components. The Department, however, performs both clerical verification that the information has been submitted (administrative completeness) as well as a qualitative evaluation (substantive review) that the information meets certain criteria sufficient to entitle the applicant to the license. An example is the wastewater treatment or collection facility operator new certification required by A.R.S. § 49-361 and shown on Table 9 as water and wastewater operator license category no. 1. Unlike Model C, Article 7.1 sanctions will result from Department failure to grant or deny a license of this type before the expiration of the overall time-frame if the license requires a fee and that fee is deposited into a Department fund. This license type forms the standard model for most agencies that issue licenses. A driver's license issued by the department of motor vehicles or a professional occupation license issued by the board of technical registration are other typical examples. This Department, however, administers only a limited number of license categories of this model. Within those categories, however, the Department issues a large number of individual licenses. Department performance in processing applications in these license categories is generally quite high, with many categories having no record of any late licensing decisions. This is because, as with a driver's license application, the public expects agencies to make summary decisions on Model D type licenses within a fixed period of time.

Model E is far more complex: non-uniform application components as necessary to support a rational substantive review of an applicant's proposal. A public comment period for a proposed permit may be required but not a public hearing. (In this case, if a public hearing is requested, the application automatically transfers to the model F category.) Here, the applicant has great freedom to propose alternative or novel methods to meet a compliance standard; sometimes the applicant is even permitted to propose the standard. Most license categories administered by the Department follow this model. Although this model places special and unpredictable burdens on the reviewer, it responds to important and compelling societal goals. It allows the applicant to explore a variety of compliance possibilities and

propose the 1 that makes the best financial, business, or personal sense as the applicant best determines. It follows that allowing an applicant to have such wide control over the nature of the application means increased uncertainty in predicting exactly how long review will be, especially in general terms as required by Article 7.1

Eliminating or restricting this model so as to realize a general desire to obtain absolute certainty beforehand in knowing exactly how long an application review will take is not a good policy choice. Greater certainty in this regard will pressure the Department to limit proposal options by applicants. This is a compromise that the Department is highly reluctant to follow. The field of environmental regulation is extraordinarily complex with new issues, ideas, and technologies arising continuously. Freezing the current state of these matters in rule just to obtain licensing review certainty of short rigid time-frames is sure to harm the regulated community and the public-at-large more than help it. Moreover, it is sure to shift the Department's focus more from prospective licensing to after-the-fact enforcement activities, another undesirable result. The Department administers a very large number of license categories of this model although within those categories, the Department issues only a relatively small number of individual licenses. Department performance in processing applications in these license categories is mixed. Complete applications received in the 1st instance tend to receive early approvals while incomplete, defective, or changing applications tend to remain under review for periods long in excess of periods identified in statute or rule. This is because the Department's experience has been that it tends to approve an application of this type as soon as it is made approvable by the applicant but will delay a denial on an unapprovable application sometimes indefinitely. This, of course, will change under this rule.

Model F is the most complex: non-uniform application components as necessary to support a rational substantive review of an applicant's proposal as in the Model E type but also with the addition of a public hearing on a proposed permit. This license processing model is the most unpredictable of all models because unexpected issues may arise at the hearing that require extensive reevaluation by the Department. Identification of such issues is, indeed, the primary purpose of a public hearing. Further, the underlying subject matter of these licenses tend to be the most complex of all license categories which is usually why a public hearing is required in the 1st place. Article 7.1 recognizes that a public hearing may be part of the licensing review process but does not expressly provide for an opportunity to reassess a proposed decision after the hearing. Not having this time is sure to work against all interests involved in the application and may now require an applicant to withdraw and resubmit a new application (and fee) if only to allow time to avoid a denial following a public hearing. The better policy is to allow the process to continue forward to a reasoned conclusion without resorting to the fiction of a new application just to avoid a denial on the part of the applicant or sanctions on the part of the Department. The Department administers a large number of license categories of this model although, within those categories, the Department issues only a small number of individual licenses. As with Model E licenses, Department performance in processing applications in these license categories is mixed. Complete applications received in the 1st instance tend to receive early approvals while incomplete, defective, or changing applications tend to remain under review for periods long in excess of periods identified in statute or rule.

On the one hand, Article 7.1 pressures the Department to provide greater certainty in predicting review times prospectively in rule. On the other hand, other statutes direct the Department to honor applicant-driven proposals for a great many of the licenses the Department issues. Still other statutes prohibit the Department from issuing these licenses by default, meaning that the Department must perform a complete and rational substantive review in response to appropriate application components before granting the license no matter the threat of sanctions (or it must deny the application). The Department must balance and harmonize all these completing statutory requirements.

b. Licensing review delay causes.

Internal review of its licensing procedures and experience due to this rulemaking effort has allowed the Department to analyze the causes of licensing review delays. Only a relatively small percentage of license applications experience delays beyond times identified in statute or rule. Those that do, however, tend to be the highly complex Model E and F types. The Department has determined that licensing review delays in program licensing activities tend to fall into 5 categories. The Department believes that the features of the rule should eliminate all but the 1st cause identified below.

Cause 1 is due to clerical failure to attend to the application and can occur in all license processing models. The application tracking system that the Department must implement to control its risk of sanctions under Article 7.1 should reduce delays due to this cause. Still, clerical inattention to an application will result in sanctions under Article 7.1, as it probably should.

Cause 2 is due to application components not being complete prior to substantive review and can occur in all license processing models. This is probably the major cause of delay found in the Department. Program statutes require, however, that it is clearly the applicant's burden to prepare and submit a complete application at the beginning of the process. Article 7.1 now requires the Department to aggressively identify incomplete applications and not let them proceed to substantive review; or, once in substantive review, not to let them proceed without a response to a compre-

hensive request for additional information. Article 7.1's time-frame suspension provisions is something not now available to most licensing programs that operate on strict calendar-day time limits with no suspension provisions. The ability to suspend the time under Article 7.1 should eliminate this as the most likely cause leading to the majority of late licensing decisions as it is at present.

Cause 3 is due to the Department acquiescing to the applicant's request to change application components and substitute a new proposal requiring additional review not indicated in the original application. This as a cause of delays usually occurs only in Model E and F license types although it might occur in Model D as well. This is usually the primary cause for delays in applications that have remained in review for very long periods in excess of times in statute or rule. This is especially true in programs that charge review fees by the hour. In the past, the Department has usually allowed applicants to change proposals at will. Article 7.1 now stops that practice by requiring applicants to submit all application components with certainty at the beginning of the process; no changes may be accommodated. Article 7.1 impliedly requires an applicant to withdraw and reapply if a change is desired. This rule offers an alternative to this requirement as shown in R18-1-511. If used, this allows the Department to take some or all of the review time and fees already expended on the original proposal and credit them to a new application by means of a changed application agreement in accordance with R18-1-511. Whether this option is used or not, changed applications as a cause for delay seems likely to disappear under Article 7.1.

Cause 4 is due to disagreements with the applicant concerning exactly what application components are necessary. This as a cause of delays occurs only in Model E and F license types because such disputes in Model C and D license applications almost always result in summary denials. Although this as a delay cause does not happen often, when it does it can result in considerable delay. Department practice usually has been to attempt to reach an amicable agreement with the applicant. Such interaction can result in the application reviewer spending a great deal of time with the applicant in an attempt to explain the necessity for the requested information; sometimes to no avail. Often, this can result in numerous defective resubmissions causing further extensive delays. Article 7.1 changes this. Under threat of sanctions, the Department can no longer afford to enter into protracted discussions with applicants concerning the necessity of requested information. This rule provides a method to resolve the matter in R18-1-520 which allows an applicant to give the Department formal notice of a dispute over application requirements which, in turn, allows the Department to accelerate the dispute to a final licensing decision subject to appeal. Whether appealed or not, the licensing decision will be made timely. This should eliminate such disagreements as a cause of delay in the future.

Cause 5 is due to the subject matter of the applicant's proposal being too complex, large, novel, or technically difficult to allow sufficient review within the review time limit. This as a cause of delays occurs only in Model E and F license types and occurs in only a few applications every year. This rule recognizes this and provides for both a standard and complex category in these instances. Applications fitting the complex category would then allow the Department additional time to complete the required review. Use of the complex category should eliminate this as a cause of delay (or lateness) in the future.

4) The Economics of Licensing.

The summary of the economic, small business, and consumer impact analysis for this rule follows at § 9 below. An introductory discussion, however, may be helpful in understanding the Department's general approach in developing this rule by outlining the Department's view of certain underlying principles in the licensing process, society's expectations in the outcomes of licensing activities, and the interplay between the 2. This is important so as to understand the Department's fundamental desire to avoid unintended or unexpected adverse effects on applicants as the Department implements the statutory mandate of the licensing time-frames statute.

In this case, the Department expects to move as quickly as possible to implement the statute fully while, at the same time, begin with a time-frames overlay rule flexible enough so as not to cause undue burdens on applicants. As applicants, the Department, and others obtain practical experience under the rule, clearer choices can be made to adjust the rule to fit the needs of all parties to the licensing transactions administered by the Department. The nature of this rule will require the Department to initiate a housekeeping rulemaking to amend the rule at least annually if only to make adjustments to license categories as licensing program requirements evolve in response to annual statutory changes. At the same time, other adjustments can be made to all portions of this rule in response to experience gained under its operation. In this initial rule making, however, the Department believes it essential not to disrupt current expectations of the Department's licensing activities other than to encourage and assist applicants to achieve approvable applications as early in the licensing process as possible.

The Department's fundamental perspective of these issues is based on the fact that the licensing activities of the Department all involve regulation of environmental matters in some way. Any rule implementing the licensing time-frames statute must change the Department's current methods of license application review in a number of important ways. Some of these are sure to have economic impacts on all parties to the transaction; individual license applicants, classes of regulated entities, the Department, and the society-at-large.

In its simplest terms, the Department's licensing activities responds to 3 sets of competing regulatory forces. The 1st comes from the viewpoint of an entire class subject to regulation, the 2nd from the viewpoint of the individual licensee, and the 3rd from the viewpoint of society. Often this means licensees as a class may urge the state to use its power to control externalities, provide a shield to liability, exclude or limit competition, and otherwise promote the interests of the class of licensees. Individual licensees may urge the regulating authority to apply varying standards within the class in regards to qualification or compliance requirements. Individual licensees may also compete among themselves for preferential access to the regulating authority's resources. This includes obtaining precedence over others for license application review resources; a recurring consideration especially during periods of growth in application numbers. Society, on the other hand, is usually more interested in controlling the results of specific activities based on perceptions of economic, moral, aesthetic, or other grounds and either (1) promoting those thought desirable or (2) prohibiting or reducing those thought undesirable.

The intersection of all these competing forces can result in a compromise, referred to here as the licensing transaction. This transaction has 2 classic forms, both of which result in a perceived decrease in the objectionable activity regulated. One form is to ration with or without conditions; the other is to force compliance with a set of predetermined conditions. Many licensing schemes combine elements of both. Using the 1st licensing transaction form (rationing), the state sets overall limits on activities that are perceived as capable of yielding the desired result, either directly or indirectly. Using the 2nd licensing transaction form (compliance), the state agrees to exclude others from a certain field in exchange for a promise by the licensee to operate under certain conditions. The greater the economic rewards for operating in the regulated area, the more conditions licensees are willing to accept. When the burdens of the imposed conditions become greater than the economic benefits available to licensees, society must provide greater incentives or the numbers of those willing to operate under the license will decrease. If the activity is one that society wants or has a need for, those incentives will be found; otherwise, the activity will be allowed to disappear.

A classic example of the rationing model is the acid rain program. The federal clean air act prescribes a combined maximum level of SO₂ emitted nationwide by all entities within a certain class. New entrants into the class must purchase needed emission rights from existing sources so that the total from all sources remains below the fixed ceiling. Classic examples of the compliance model are the various operator or service provider certifications administered by the Department. These are forms of occupational licensing. The purpose of this form of licensing is to insure a minimum level of competence and responsibility for persons conducting the regulated activities. The number of qualified licensees can increase without theoretical limit without adversely degrading the desired result of the licensing scheme.

Most licensing programs administered by the Department combine elements of both models. In this combined form, a compliance model is implemented but the level of compliance required will change as more licensees enter the field. One example is the state's vehicle emission inspection program. Current regulation sets a fixed compliance level and all applicants who comply will be given a license requiring compliance at the same fixed level. Should the numbers of licensees increase to the extent that the fixed compliance level no longer meets the overall expected result, a new fixed compliance level may be set. In this case, the new level will apply to all licensees and not just to new applicants. This is an example of a regulatory scheme in which the rationing element of the model is spread equally among all members of the class through periodic adjustment as the renewal of licenses become due. A somewhat different example of the combined model may be found in the aquifer protection permit (APP) program. Here, although water quality standards are equally applicable to all licensees, individual compliance limitations for a new licensee may vary from conditions imposed previously on other licensees in the same area. This is because technology requirements for reducing discharge (best available demonstrated control technology or BADCT) for a new license may vary from previous licenses. Usually, BADCT requirement conditions contained in licenses issued for existing facilities (those already discharging when the APP program was instituted) are not as stringent as those for new facilities because of the difficulty of retrofitting pollution control technology. This means that licenses for new facilities may contain requirements to install better discharge control technology than required for existing licensees because that technology has become available on an industry-wide basis, that is, the technology is BADCT. In this case, the rationing element of this model may be disproportionately shared among fellow licensees and this inequality may not be suitable for periodic readjustment due to the long term persistence of the water quality degradation that gave rise to the inequality in the 1st place. This is a case where later entrants into the class may be required to operate under different compliance requirements due to the existence of previous entrants. This example illustrates how a compliance licensing model based on an overall rationing goal may result in long-term permit condition inequality among fellow licensees.

Department review of applications received in response to the various rationing or compliance licensing models described above requires differing levels of resources, technical expertise, and level of scrutiny. A successful licensing time-frames rule is one that responds appropriately to these varying complex licensing types, changing economic considerations, and changing environmental strategies while, at the same, satisfies stakeholder expectations and fulfills the Department's statutory obligations. Today's rule springs directly from the Department's view of what it inter-

prets its role under statute to require: license, oversee, enforce, advise, and assist those involved in those activities identified in statute as subject to the Department's regulation. Licensing is an important mandate but it is not the only mandate. This rule represents a reasoned and rational balancing of the Department's statutory obligations to police the licensing transaction while, at the same time, not to unduly burden applicants in the licensing process or impose unnecessary economic burdens on society.

5) The Massachusetts Experience.

The only other statutory equivalent to Article 7.1 is Massachusetts' timely action statute, Mass. Gen. L. ch 21A, § 18, and its implementing rule promulgated by the Massachusetts department of environmental protection (DEP). Mass. Regs. Code tit. 310, § 4. The Massachusetts law applies only to its DEP and, then, only to licenses incurring application review fees. Article 7.1, on the other hand, applies to almost all state agencies and applies to applications without regard to whether a review fee is required or not. DEP has operated under this statute since 1991 and has experienced a refund rate of less than 0.5%. The Department understands that both DEP staff and applicants find life under the timely action rule more satisfactory than before 1991. The Department has looked closely at DEP and has attempted to learn from their 7 years of experience. This rule contains many elements based on that experience including the underlying rationale that the primary purpose of Article 7.1 is to encourage timely decision making and not to encourage refunds.

D. Department Response.

The Department has a certain degree of discretion in handling how it will promulgate rules implementing Article 7.1. If the Department wants to exert a high degree of control over the imposition of sanctions, it must define most or all of the ambiguous terms in Article 7.1 and define the starting, running, suspending, resuming, ending, and expiring of the time-frames with specificity. Ignoring the ambiguities can only increase sanction risks and the resulting pressure to either increase fees on fellow licensees or curtail or suspend Department activities.

1) The Basic Statutory Imperative.

The Department interprets the basic statutory imperative of Article 7.1 to be that an agency should refund application fees when it fails to make a licensing decision on an application within a specific number of days as set in rule; a kind of "money-back guarantee." To this end, Article 7.1 requires agencies to identify all licenses they issue, set review times for the licenses in rule, and then process applications for those licenses using a series of written notices, requests, and agreements in a much more formal (or restricted) process than is now the case.

Although the plain meaning of Article 7.1 appears rather applicant-hostile (especially as compared to current Department practice), it is unlikely that this was the actual intent of the Legislature. For example, Article 7.1 provides that agencies should have adequate time to review applications but does not provide additional time for applicants to cure defective applications other than to respond to certain highly formalized and restrictive written notices and requests. Further, Article 7.1 forces applicants to submit complete applications at the beginning of the process, is silent on the possibility of phased application submittals, essentially prohibits applicants from changing application components and proposals once submitted, and is silent on the possibility that applicants may want to delay certain events during the licensing process such as public hearings, Department response to issues raised at hearings or during public comment, or summary denials due to defective applications. These restrictions do not affect the disposition of Model C and D license processing types but do significantly diminish applicant control and options in Model E and F types. As between reviewing agencies and applicants, Article 7.1 places the greater new burdens by far on applicants.

In promulgating rules implementing Article 7.1, the Department must balance the requirement to impose a much more formalized and restrictive application review process on prospective licensees while continuing to implement other statutory imperatives to cooperate with and assist applicants in obtaining licenses.

2) New Documents Required by Article 7.1.

Article 7.1 identifies 6 significant documents not previously defined and requires the Department to issue them to applicants as appropriate when complying with the Article. The Department must develop forms for all 6 as appropriate to respond to each type of license requiring substantive review it issues. The risk of sanctions will vary depending upon the availability and use of each document.

Notice of administrative completeness. Only a written notice meeting the requirements of A.R.S. § 41-1074(A) will have the power to stop the administrative completeness review time-frame and start the substantive review time-frame early. Article 7.1 requires the Department to issue this notice if it can. This rule addresses this requirement in R18-1-503.

Notice of deficiencies with a comprehensive list of specific deficiencies. Only a written notice meeting the requirements of A.R.S. §§ 41-1074(A)-(B) will have the power to suspend the administrative completeness review time-frame. This rule addresses this requirement in R18-1-503.

Comprehensive request for additional information. Only a written request meeting the requirements of A.R.S. § 41-1075(A) will have the power to suspend the substantive review time-frame. This rule addresses this requirement in R18-1-504.

Supplemental request for additional information. Only a written request meeting the requirements of A.R.S. §§ 41-1075(A)-(B) will have the power to suspend the substantive review time-frame. This rule addresses this requirement with the use of supplemental request agreements governed by R18-1-509.

Notice granting license. Only a written notice meeting the requirements of A.R.S. § 41-1076 will have the power to stop the time-frames as a result of making a licensing decision to grant a license. This rule addresses this requirement in R18-1-507.

Notice denying license with statutory or regulatory justification and explanation of appeal rights. Only a written notice meeting the requirements of A.R.S. §§ 41-1076(1)-(2) will have the power to stop the time-frames as a result of making a licensing decision to deny a license application. This rule addresses this requirement in R18-1-507.

The Department may define and use other documents than the basic 6 identified above. None are specifically required by Article 7.1 but the following 4 other documents can be inferred and probably are useful in maintaining Department control over the time-frames.

Notice of Department receipt of initial application. This document can be inferred from A.R.S. § 41-1072(1) and its use could fix the start of the time-frames. This rule addresses this requirement in R18-1-501(13)(c) and allows to Department to issue a notice fixing the date of Department receipt under certain circumstances.

Notice of Department receipt of all information requested on the comprehensive list of specific deficiencies. This document can be inferred from A.R.S. § 41-1074(C) and its use could fix the resumption of the administrative completeness review time-frame. This rule addresses this requirement in R18-1-501(13)(c) and allows to Department to issue a notice fixing the date of Department receipt under certain circumstances.

Notice of Department receipt of all information requested on the comprehensive request for additional information. This document can be inferred from A.R.S. § 41-1075(A) and its use could fix the resumption of the substantive review time-frame or time-frame extension. This rule addresses this requirement in R18-1-501(13)(c) and allows to Department to issue a notice fixing the date of Department receipt under certain circumstances.

Notice of Department receipt of all information requested on the supplemental request for additional information. This document can be inferred from A.R.S. § 41-1075(A) and its use could fix the resumption of the substantive review time-frame or time-frame extension. This rule addresses this requirement in R18-1-501(13)(c) and allows to Department to issue a notice fixing the date of Department receipt under certain circumstances.

3) Public Participation and a Flexible Rule

Today's rule expresses the Department's determinations and beliefs as to its discretion to provide the maximum extent of flexibility to applicants available under Article 7.1. The Department solicited comment on this approach in a series of public workshops and in the October 23, 1998, notice of proposed rulemaking. This included determinations of discretion to act, whether the features proposed actually do benefit applicants as intended, and whether other features may provide more effective or efficient flexibility for applicants. One goal of the Department's approach is to bring the regulated community into compliance with state law by encouraging applicants to fashion an approvable application when they apply in the 1st instance. This approach is the Department's preferred alternative.

The Department arrived at this determination after extensive public participation, first, in the development of general policy objectives and, second, in the decision making of what a successful licensing time-frames rule should look like.

In November 1996, the Department began serious analysis of its rule development needs to accomplish a successful licensing time-frames rulemaking within the statutory deadline of December 31, 1998. At first, the Department expected to respond with separate rule makings on a program-by-program basis as this has always been how the Department has proceeded with rulemaking in the past. By January 1997, it became clear that only a unitary rulemaking with uniform definitions and procedures applicable to all programs was practical. The Department then established an internal task force of 18 persons from various licensing programs to construct a work plan. That task force quickly grew to 40 in order to provide representation from all programs with a stake in the rule making.

The Department task force analyzed the Massachusetts experience with its own timely action statute and concluded that a central tracking system was essential. This further reinforced the need for a unitary rule. In May 1997, the inter-

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nal task force (now expanded to 70) circulated an internal rule draft to over 120 persons within the Department and devised a public participation plan. This began with hiring L.L. Decker & Associates as 3rd-party facilitators to assist in devising the plan. This plan began with an invitation to about 20 representative stakeholders to meet as a group to critique a long-term public participation plan on this rulemaking.

As a result, the Department modified its plan and proceeded to conduct a series of 10 focus groups in July 1997 in Phoenix, Tucson, and Flagstaff with persons invited from a wide range of representative stakeholder communities. The results of these focus groups and a detailed discussion of the issues was reported in a 16-page special edition of the August 5, 1997 *ADEQ Rulesletter*. The Department then prepared a draft rule for public stakeholder review and informal comment on September 22, 1997. The draft was also made available on the Internet. The draft responded to the focus group comments and contained 18 tables with 379 license categories. This draft was then used to conduct 23 half-day public workshops in Phoenix, Tucson, and Flagstaff in October and November 1998. A follow-up workshop was held in January 1998 to review Table 2, Class II Air Licenses, in response to comment received in the earlier workshops.

In working towards a rule package, it became clear in May 1998 that 1 set of licenses had been overlooked in the earlier draft rule; those dealing with certain safe drinking water monitoring and treatment licenses issued outside of regular construction licenses. The Department had engaged this stakeholder group in the earlier round in 2 other licensing areas (construction approvals and operator certifications) but determined that it was essential to interrupt the process to engage them specifically in this 3rd area of licensing activity. The Department then held another focus group in June 1998 for this stakeholder group, issued a draft table (now shown as Table 9 in this rule) and issued a 2nd 16-page special edition of the *ADEQ Rulesletter*, this time focused on the licensing time-frame issues of this specific group. In order to provide adequate notice of additional informal public workshops on these licenses, the Department then held 6 additional workshops in September 1998 in Phoenix, Tucson, Yuma, Bullhead City, Cottonwood, and Show Low.

During the course of the development of this rule, many stakeholders expressed the desire to split a number of the categories shown in the September 1997 draft rule in order to provide more options and flexibility for their benefit. This the Department did. In addition, the Department also recognized stakeholder desires to expand the range of licenses available at the Southern Regional Office in Tucson and the Northern Regional Office in Flagstaff. In all, the resulted in 599 license categories presented in the October 23, 1998, notice of proposed rulemaking. Further analysis after proposal has resulted in the combining or splitting of some categories and the deletion of others in today's final rule. This results in 476 categories in this rule.

The most visible result of public participation in this rulemaking was the extensive inclusion of flexible provisions presented in the proposed rule to assist applicants to work towards an approvable application as quickly as possible without being subjected to summary denials.

After submission of the notice of final rulemaking to the governor's regulatory review council (GRRC) in December 1998, GRRC raised objections to several of the flexible provisions presented in the proposed rule. GRRC also objected to several of the definitions presented in the proposed rule and which were intended to provide clarity to certain operations of the time-frames including the beginning, suspending, resuming, and ending of the time-frames. After consultation with the office of the attorney general, the Department has incorporated those changes into today's rule.

Once today's rule becomes effective, the Department expects to assess its performance under the rule and continue its vigorous public participation policy in order to prepare for each annual housekeeping amendatory rule making.

4) Rule Text Policy Alternatives Contained Within The Proposed Rule

The October 23, 1998, notice of proposed rulemaking contained a number of rule text alternatives based on several policy choices available to the Department. Based on public consideration, input, and comment made before, during, and after the formal comment period, the Department made choices among the several alternatives before submitting a rule text to the governor's regulatory review council (GRRC) for review and approval. The Department believes that today's rule is not so different from the rule as proposed that reproposal (or a notice of supplemental rule making) is necessary.

An agency may not submit a rule that is substantially different from the rule contained in the notice of proposed rulemaking or contained in a subsequent notice of supplemental rulemaking published in the *Arizona Administrative Register*. A.R.S. § 41-1025(A). All the following must be considered when determining whether the rule submitted to GRRC is substantially different from the proposed rule published in the *Register*:

1. The extent to which all persons affected by the submitted rule should have understood that the published proposed rule would affect their interests.

2. The extent to which the subject matter of the adopted rule or the issues determined by that rule are different from the subject matter or issues involved in the published proposed rule.
3. The extent to which the effects of the adopted rule differ from the effects of the published proposed rule if it had been adopted instead.

A.R.S. § 41-1025(B).

The Department stated in the October 23, 1998, notice of proposed rulemaking that the decision of which rule text alternatives to include in the rule submitted to GRRC would depend on 3 primary policy considerations: (1) to what extent does the Department have legal authority to promulgate a rule provision, (2) to what extent must the Department adopt a phased implementation program to respond to resource constraints, and (3) to what extent does the public want the Department to make certain choices in the submitted rule.

a. Primary policy alternatives.

The proposed rule contained many provisions intended to provide as much flexibility to applicants as possible. These included provisions (1) that suspend time-frames under certain circumstances while applicants attempt to cure certain very specific defects in their applications and (2) that allow the Department and applicants to enter into licensing time-frame agreements to accommodate phased and changed applications as well as to allow imposition of this rule on certain applications otherwise exempt. Should such flexibility be considered as without authority or unwanted by the public, the Department's primary alternatives were to delete the provisions in whole or in part and either submit extended time-frames as appropriate in some or all categories so as to allow applicants to cure defective applications or it might have been to keep some or all time-frames the same and, as a result, restrict applicant's abilities to cure defective applications. Today's rule leaves the proposed rule unchanged on most of these points but does delete certain minor suspension provisions contained in the proposed rule. These are discussed in more detail below.

b. Applicability rule text alternatives.

The proposed rule showed the Department's determination of the entire scope of applicability of Article 7.1 to the Department's licensing activities. The Department stated that it might reduce the extent of applicability in the rule submitted to GRRC but will not expand the extent in this rule making. The Department expected to reduce the applicability of Article 7.1 only if there is general agreement that the Department erred in its interpretation of the statutory mandate of Article 7.1. The Department would then delete licensing activities identified in this proposed rule that it determines it does not have the legal authority to include. The primary discussion of the Department's current understanding of the applicability of Article 7.1 occurs below at § 6(E)(1) concerning what is a "license" subject to Article 7.1. The Department did delete certain categories on Table 20 governing certain remediation licenses administered by the voluntary program. More discussion on this point occurs at § 10 below.

The Department stated that if it were determined that the Department should expand the reach of Article 7.1 to include activity not covered in this proposed rule, the Department will promulgate that expansion in a separate rule making. This is because such a change is sure to increase the subject matter of the proposed rule and require, at least, a supplemental notice of proposed rulemaking before the Department may submit this type of change to GRRC for approval. Delaying such changes to a separate rulemaking will allow submission of the current proposed rule to GRRC at the earliest possible date. This, in turn, will ensure the earliest possible effective date for the rule. The Department expects to propose at least 1 rule each year to amend the licensing time-frames rule to incorporate revisions to the tables and perhaps other sections of the rule. Expansion of the reach of Article 7.1 to the Department's licensing activities can be addressed in the next annual rule revision.

c. License category rule text alternatives.

The Department stated that it had shown its preferred arrangement of license categories on the proposed tables and that it might adjust the categories in several ways in the rule submitted to GRRC for approval. This included combining or splitting the categories shown or revising the statutory and rule citations, time-frame days, and application components. A certain amount of this did occur as described below at § 10.

The Department also stated that adjustment of the citations and identification of application components, if made in the rule submitted to GRRC, would not represent substantial changes to the proposed rule because, in every case, they would represent clerical adjustment of what is already required by the proposed rule text. Changes to application components concerning "site inspection required," for example, would not constitute substantive changes to the license category because their identification merely represents what was already required by other existing statutes or rules and not by the proposed rule in the 1st instance. The same applied to statute and rule citations on the tables.

The Department also stated that changes to the days would not constitute substantial changes if they were made as trade-offs to other changes in the submitted rule so long as the entire package of changes taken as a whole would not represent a substantial change as defined under A.R.S. § 41-1025(B). Assuming current practice that approvable

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applications are approved as soon as they are determined to be approvable, simple changes in times without offsetting changes elsewhere in the rule might represent substantial changes requiring reproposal. Such changes must be considered on a case-by-case basis. In general, reducing time-frames was more likely to represent a significant change than extending time-frames. Changes in time-frame periods have little effect on applicants who comply with their primary statutory duty to submit complete, approvable applications at the beginning of the process. The change in time-frame periods primarily affects applicants who did not so comply and who now require additional time in an attempt to achieve an approvable application. Those applications requiring only a small amount of correction usually need less time to comply than those applications requiring a great deal of correction.

The Department did make several changes to time-frame days as described below at § 10. Changes that resulted in less time were the result of further analysis of probable review needs or changes in program procedures and, as such, do not represent a substantial change from the proposed rule. Other changes described below that delete certain categories also do not represent a substantial change from the proposed rule.

d. Licensing time-frame rule text alternatives.

The Department stated that deletion of some or all of the flexible provisions of the rule would require changes to the rule text. Whether these would represent substantial changes must be determined on a case-by-case basis. As directed by GRRC, the Department did delete a number of flexible provisions from the rule as proposed and designed for the benefit of applicants. As described below at §§ 10 and 11, the Department also made a number of non-substantial changes in the rule text to clarify a number of the procedures governed by the rule.

e. Licensing time-frame agreements rule text alternatives.

The Department stated that deletion of the licensing time-frames changed application agreement provision might require a corresponding extension of licensing time-frames for some or all categories. Deleting this provision while keeping time-frames the same might represent a substantial change in all the categories with licensing Model E and F processing types. (See § 6(C)(3)(a) for license model types.) This is because such a result is certain to increase denials or give applicants approvals for obsolete proposals they no longer find advantageous.

Deletion of the licensing time-frames pre-application agreement provision might not be possible in its entirety due to direct conflict in statutes other than Article 7.1 that require the Department to process certain applications with application components submitted late in the review process.

Deletion of the licensing time-frames reactivation or opt-in agreement provisions would not represent a substantial change. Reactivation of time-frames would only occur if the applicant failed to comply with other statutory duties to submit all components complete on day 1 of the application. Opt-in time-frames would only apply to applications not originally required to be subject to Article 7.1. Both, however, might represent significant advantages to certain applicants if only because they might increase applicant certainty as to when a licensing decision (to grant or to deny) would be made.

The licensing time-frames supplemental request and extension agreement provisions are expressly identified in statute and, as such, should not be deleted in their entirety in this rule. Deletion, if it does occur would probably not represent a substantial change because it may be possible to still offer them directly by statute although it is not clear if the formal procedures applicable to these agreements must still be in rule. See A.R.S. § 41-1003 requiring all formal procedures available to the public to be in rule.

Today's rule leaves these provisions in the proposed rule intact except for the deletion of the reactivation licensing time-frames agreement. This agreement is deleted because the lapse provisions throughout the rule have also been deleted. Without the lapse provisions, there is no reason to retain the reactivation agreements.

f. Licensing time-frames suspension rule text alternatives.

The Department stated that the proposed rule contained a number of suspensions not expressly stated in Article 7.1: R18-1-514 pending payment of fees, R18-1-515 due to changed applications, R18-1-518 due to emergencies and upset conditions, R18-1-520 due to notice of intent to rely on the application components submitted, and R18-1-521 due to notice of intent to rely on the license category. The Department's main rationale for including these suspensions was to allow shorter time-frames. One alternative was to delete all these suspensions and increase time-frames on the assumption that such times may be needed by applicants.

A 2nd alternative was to identify numerous companion categories with lengthened time-frames with the specific events giving rise to the suspensions in this proposed rule presented as additional application components in the alternative rule. For example, in exchange for the deletion of the emergencies and upset conditions provisions in R18-1-518, all approval-of-construction license categories on Tables 5 through 7 could be doubled with companion categories added for each existing category with the additional requirement of "with site inspection delayed because of lack

of access due to weather or other natural conditions” and the additional of 30 days. This approach would more clearly restrict the ability of the Department to declare a time-frame suspension but would complicate the resulting rule by a significant amount.

A 3rd alternative was to delete the suspension provisions and leave the time-frames unchanged. Depending upon the outcome of further analysis, deletion of these provisions while keeping time-frames the same might represent a substantial change in all the categories with licensing Model E and F processing types. (See § 6(C)(3)(a) for license model types.) This is because such a result is certain to increase denials or give applicants approvals for proposals they no longer find advantageous.

Except for R18-1-518, today's rule deletes these suspension provisions leaves these provisions from the proposed rule using the 3rd alternative described above. Further analysis now shows that deletion of these provisions do not represent a substantial change. Applicants must take care to determine exactly what approval they seek from the Department when making an initial application submittal.

5) Oral proceedings and comments

The Department held 3 oral proceedings on the proposed rule in accordance with A.R.S. § 41-1023. The Department held the proceedings in Phoenix, Tucson, and Flagstaff on November 24, 1999. In accordance with A.R.S. § 41-1023(D), the Department conducted the proceedings in a manner that allowed for adequate discussion of the substance and the form of the proposed rule. Persons were allowed to ask questions regarding the proposed rule present oral argument, data, and views on the proposed rule. No member of the public appeared at the Flagstaff oral proceeding. One member of the public appeared at the Tucson proceeding but asked no questions and presented no oral argument, data, or views. No one appeared at the Phoenix proceeding. After adjournment, 2 members of the public appeared and the Department reopened the proceeding. Both members asked several questions but stated that any oral argument, data, and views on the proposed rule would be submitted in writing by December 7, 1998.

The Department received 3 comment letters: 1 prior to the start of the formal comment period, 1 during, and 1 after. The 1 received after was addressed to both the Department and the governor's regulatory review council (GRRC). The Department responded to all 3 letters in § 10 below. In addition, the Department responded in § 10 to written comments made by GRRC in a courtesy review prior to proposal, to a number of oral comments made at the workshops prior to proposal and which were not repeated in the comment letters, and to GRRC comments prepared after submission of the rule to GRRC for review.

E. Statutory Objectives.

Before proposing a rule, A.R.S. § 41-1035 requires an agency to determine the relevant statutory objectives that form the basis of the rule so as to perform a rule impact reduction analysis regarding the class of small businesses. Determinations necessary to perform that analysis are also relevant to other analyses of a proposed rule.

1) Only Certain Licenses Administered by the Department Are Subject to Article 7.1 Licensing Time-frames Requirements.

What exactly is a license subject to Article 7.1 requirements? The Department has determined that it must be a permission that (1), if granted, will change the licensee's legal rights, duties, or privileges under state or federal law and (2) is granted affirmatively by the Department after receipt of a request to issue the license by the prospective licensee. This means that a license is excluded from Article 7.1 if it does not meet both requirements. The Department has also determined that a license that passes these 1st 2 steps is nevertheless excluded from Article 7.1 if it is (1) granted by default if the Department does not make a licensing decision within a specified time, (2) obtained pursuant to an enforcement or compliance order targeted at the applicant that imposes additional application components not identified in a license category in this rule, (3) obtained pursuant to compliance activity in accordance with a previously obtained license except for revisions and renewals, (4) obtained pursuant to a contractual agreement with the Department, (5) the result of an application 1st received prior to Department receipt of the 1st acceptable application component, or (6) issued normally within 7 days after receipt of the initial application. The Department arrived at this determination as follows.

Article 7.1 requires the Department to establish “overall time-frames during which the agency will either grant or deny each type of license it issues.” A.R.S. § 41-1073(A). The Department “may adopt different time-frames for initial licenses, renewal licenses and revisions to existing licenses.” A.R.S. § 41-1073(B). Article 7.1 relies upon the definitions of “license” and “licensing” at A.R.S. § 41-1001(11)-(12) of the Administrative Procedure Act (APA) that state that

“License” includes the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law, but does not include a license required solely for revenue purposes.

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“Licensing” includes the agency process respecting the grant, denial, renewal, revocation, suspension, withdrawal or amendment of a license.

This definition of “license” is broad and, arguably, includes a very wide range of the Department's activities. In its most basic sense, then, “license” means “permission.” This is both its plain meaning and usual legal meaning. Determining exactly which of the many types of approvals and permissions granted by the Department represent actual “licenses” and, of these, which are subject to Article 7.1 has required careful analysis. In some cases it has been easier to determine what is not an Article 7.1 license than what is. To this end, the Department has made the following determinations. Instances in which the Department provides some sort of permission to others seems to fall into 4 general areas: licensing, compliance, enforcement, and contractual. Although each of these activities has a central core of meaning that seems reasonably distinct from the others, substantial blurring of distinctions occurs at the edges. As discussed below, it seems reasonable that the Legislature intended that only a certain type of “licensing” activity be subject to Article 7.1. If a permission or license falls more clearly within the other activities identified above, it seems reasonable that it should be excluded from coverage by Article 7.1.

a. Permission required by law.

The APA defines “law” as “the whole or part of the federal or state constitution, or of any federal or state statute, rule of court, executive order or rule of an administrative agency.” A.R.S. § 41-1001(16) (“provision of law”). The meaning is broad. This means that a “permission required by law” probably means a “permission required by any law.” In this regard, the Department has determined that to be subject to Article 7.1, an application must contain some request of the Department to issue a permission that, if issued, has a reasonable probability of altering the requestor's rights, duties, or privileges under the law. This means that requests for Department actions that probably will not change the requestor's legal status are excluded. Examples of how a person's legal status might change include a Department determination that allows a person to do some act otherwise prohibited by law or allows a person to refrain from some act otherwise required by law. This can include changes that shield a person from enforcement, alters the extent to which a person must remediate or do some other act required by law, alters a person's *prime facie* case in state or federal court, qualify a person to receive a state or federal tax refund, or otherwise places a person in a different position in regards to the law.

The Department has determined that it is irrelevant to this analysis (1) whether or not the decision by a person to submit an application to the Department was, in itself, voluntary or (2) whether or not the person could have achieved by some other means the same change in that person's rights, duties, and privileges under law as that provided by a determination issued by the Department. For example, no one in Arizona is actually “required by law” to apply for and obtain an Arizona driver's license. A person can find alternative ways to use the public rights-of-way and avoid enforcement for not possessing a driver's license including walking, riding a bus, or using a chauffeur. In addition, a person can drive legally in Arizona without obtaining an Arizona driver's license. It can be just as legal to drive in Arizona with a driver's license issued by another state or by a foreign government. Here, the choice of alternative means of avoidance or compliance are irrelevant to the change in a person's legal rights, duties, and privileges that an Arizona driver's license, in law, actually confers on a person once it is issued. This means that once obtained, an Arizona driver's license gives the licensee the necessary “permission required by law” to drive in the public rights-of-way. The Department has applied this same logic to its own licensing activity.

b. Licenses created by notification.

Article 7.1 places a narrowing qualification on the APA definition of license. Article 7.1 applies only to licenses an agency “issues.” A.R.S. § 41-1073(A). The Department administers a large number of licenses that result from laws requiring notification to the Department of a proposed activity before proceeding but that do not require or authorize the Department to respond or issue any form of affirmative permission. Mandatory notification or reporting requirements including those creating licenses by the mere act of notification may prompt the Department to investigate and that, in turn, may lead to enforcement or compliance orders of various kinds. The Department has determined that the statutory objectives of Article 7.1 do not extend to such licenses created by mere notification. This makes sense as such licenses produce no affirmative Department activities that qualify as administrative completeness review, substantive review, or license granting. This determination appears in this rule as R18-5-102(A)(2).

c. General licenses.

Article 7.1's limitation only to licenses an agency “issues” also excludes classic general licenses. These are licenses obtained by a person by mere compliance with terms and conditions identified in statute or rule and that do not require the person to notify the state. The Department administers a number of these types of licenses but may not even know who may be operating under the licenses. Failure to obtain or comply with a classic general license is dealt with under the Department's enforcement, not licensing, authority. The Department has determined that the statutory objectives of Article 7.1 do not extend to such licenses created solely by actions by persons independent of

Department review and approval. This determination appears in this rule as R18-5-102(A)(1). The Department also issues a number of other licenses called “general” in statute or rule but that, in fact, are licenses that require an application, are individual issued by the Department, and are subject to Article 7.1.

d. Licenses granted at the Department’s initiative.

The Department administers a number of licenses that are initiated by the Department but that do not require the submission of an application by the prospective licensee. These usually involve the unilateral amendment of an existing license as required by statute or rule. The Department has determined that the statutory objectives of Article 7.1 do not extend to such licenses created solely by actions of the Department. This determination appears in this rule as R18-5-102(A)(3).

e. Licenses granted by default.

The Department administers a number of licenses that are granted by default if the Department fails to make a licensing decision within a certain time specified in statute or rule. This means that the applicant will always know the outcome of an application by a fixed time that can never be extended. The Department has determined that the statutory objectives of Article 7.1 do not extend to such licenses granted by default should the Department fail to make a licensing decision within a specified time. This determination appears in this rule as R18-5-102(A)(4) and no such licenses are shown on the license tables in today’s rule.

f. Enforcement licenses.

This class consists of licenses obtained pursuant to enforcement or compliance orders or settlement agreements targeted at a person that require the person to submit an application but that also require the application to contain 1 or more additional components not identified in a license category on the license tables of this rule. The Department has determined that the statutory objectives of Article 7.1 do not extend to such licenses resulting from applications for licenses not specified on the license tables of the rule. This determination appears in this rule as R18-5-102(A)(5) and R18-5-102(A)(6).

Enforcement activities by the Department include a variety of permissions including acceptance and approval of compliance with orders or settlement agreements. Once obtained, these approvals can provide recipients with permission of conduct and facilities that operate very much as permission or approvals obtained under a traditional license or permit. In exchange for certain conduct, a person is deemed in compliance with state law and is shielded from further enforcement action by the Department. Moreover, the requirement to apply for and obtain a license is often a condition of an enforcement or compliance order or settlement agreement, further blurring the distinction between prospective traditional licensing and individualized after-the-fact enforcement activities.

The primary difference between a license granted to an applicant in the 1st instance and one granted pursuant to an enforcement activity is that for the former, the applicant is one of a class defined prospectively in statute or rule and the sole relevant relationship between the applicant and the Department is the application itself. It is in this context that Article 7.1 has relevance and meaning. For the latter, the applicant is one identified and targeted in an enforcement action and the relevant relationship between the applicant and the Department is much broader than the application alone. Such an application often carries considerable baggage with complex, difficult, and unresolved issues in addition to just the basic licensing issue. In this context, Article 7.1 seems to have little relevance or meaning. First, prospectively defined license categories cannot reasonably predict the time necessary to perform the individualized after-the-fact focus inherent in enforcement orders. Second, other pending enforcement issues outside the license application itself may interfere with a simple and orderly review of the underlying license application. Third, reviewing an application in the context of an enforcement action is usually far more complex than reviewing an application submitted in the 1st instance. Finally, allowing such an applicant to compete for a refund under Article 7.1 is sure to set up serious conflicts in an overall enforcement action which may require the applicant to pay other costs than just the application fee.

Still, the Department has determined that licenses applied for (1) pursuant to an enforcement or compliance order naming the applicant or (2) pursuant to a settlement agreement are subject to Article 7.1 requirements if the license applied for appears on a license table in this rule and requires only the application components identified in that category. On the other hand, applications that require the applicant to submit components not identified in the license category or that require the Department to make preliminary determinations not usually required for normal applications in the same category in the rule are excluded from Article 7.1 requirements.

g. Licenses issued by political subdivisions.

Article 7.1 applies only to licenses issued by “agencies.” A.R.S. § 41-1073(A). The APA limits “agency” to state agencies and excludes political subdivisions of the state. A.R.S. § 41-1001(2). The Department has many delegation and other intergovernmental agreements with political subdivisions of the state that require the subdivisions to issue

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licenses. The Department has determined that the statutory objectives of Article 7.1 do not extend to such licenses if the political subdivision is issuing the licenses under its own governmental authority. This determination appears in this rule as R18-5-102(A)(7).

On the other hand, the Department has determined that licenses issued by a Department agent are subject to Article 7.1 if the agent issues licenses under agreement with the Department and that agent has no power to issue licenses but for the authority of the Department. This means that a license issued by a political subdivision does require the Department to impose Article 7.1 requirements on the license if the political subdivision is acting solely as the Department's agent and has no governmental authority to issue the license but for an agreement with the Department. In other words, this means that the political subdivision must be acting under its proprietary, not governmental, powers and that it does not operate beyond such authority as that able to be exercised by a private nongovernmental entity under contract to the Department.

h. Compliance licenses.

Traditional licensing activity divides into 2 categories: activity aimed at obtaining the license and activity resulting from compliance with the license once issued. The Department has determined that it is only the 1st activity that is subject to Article 7.1. Obtaining a license means doing some act or acts that results in the granting of the license. For a classic general license, conformance of conduct to a specified manner without more may be enough to obtain the license. Other licenses may require more such as a formal application, the submission of specific information, and proof of qualifications. Once granted, a license may contain conditions requiring the licensee to obtain additional approvals from the Department upon the occurrence of certain events, the failure of which to obtain may subject the licensee to enforcement action under the original license. These may represent licenses obtained to maintain compliance with the original license such as approvals of reports and inspections. The Department has determined that the statutory objectives of Article 7.1 do not extend to licenses required to conform activity to an existing license, the exception being revisions and renewal licenses as these are specifically mentioned in Article 7.1. This determination appears in this rule as R18-5-102(A)(9).

The license tables of this rule identify 476 license categories. The Department estimates that the inclusion of this type of compliance activity licenses as subject to Article 7.1 could require the addition of at least another 2500 license categories.

i. Contractual licenses.

Contractual activities by the Department include such matters as the approval and acceptance of office supplies obtained under a procurement contract or the approval of a corrective action plan done under a state assurance fund (SAF) grant agreement. The APA exempts "matter[s] relating to agency contracts." A.R.S. § 41-1005(a)(16). Technically, then, all matters related to Department contracts are exempt from Article 7.1. But what, exactly, constitutes a matter "related" to an agency contract? The line between a contractual and a licensing relationship is not always clear. In a sense, the types of approvals that result from the operation of contractual terms and conditions do seem to be a type of "permission required by law" in that a party to a contract can be bound to act in accordance with the contract by law. Even without the specific APA exclusion for contractual matters, the Department would still believe it reasonable that permissions or licenses arising out of contractual relations are not subject to Article 7.1 requirements. Specific contract terms or, in their absence, general contract principles can provide appropriate remedies for the Department's failure to act in a timely manner under a contract. It seems reasonable that approvals leading to a contract should also be exempt from Article 7.1 as a matter "related" to the contract, especially if the contract requires the Department to pay the contractor as is the case under certain Department programs such as the state assurance fund (SAF). The Department has determined that the statutory objectives of Article 7.1 do not extend to such licenses relating to contractual activities. This determination appears in this rule as R18-5-102(A)(10).

j. License revocation, suspension, annulment, and withdrawal.

The APA defines "licensing" to also include the revocation, suspension, annulment, and withdrawal of a license. A.R.S. § 41-1001(12). The title of Article 7.1 is "licensing time-frames." This suggests the possibility that such processes are also subject to Article 7.1. Analysis of Article 7.1, however, makes it clear that it applies only to reasonably foreseeable prospective licensing activity and not to individualized after-the-fact enforcement activity. The Department has determined that the statutory objectives of Article 7.1 do not extend to such licensing processes such as revocation, suspension, annulment, and withdrawal activities. This determination appears in this rule as R18-5-102(a)(11). Further, Article 7.1 expressly requires rulemaking to set time-frames only for the issuance of licenses. A.R.S. § 41-1073(A).

k. Retroactive effect.

Generally, “[n]o statute is retroactive unless expressly declared therein.” A.R.S. § 1-244. Article 7.1 does not expressly declare that it apply retroactively to license applications currently in process when an agency’s rule becomes effective. In this regard, Article 7.1 gives no direction governing how to make after-the-fact determinations of administrative completeness, suspensions of time-frames, and the like. Further, the effect of this rule to applications already in process prior to the effective date of this rule is sure to cause severe and unfair hardship on many of those applicants if only because the formal procedures required by Article 7.1 were not in place from the beginning of the application process. This determination appears in this rule as R18-5-102(a)(12).

1. Licenses issued within 7 days.

Article 7.1 exempts from time-frame requirements all licenses issued within 7 days after receipt of the initial application. A.R.S. § 41-1073(D)(2). Based on this exemption, the Department has concluded that it cannot apply time-frame requirements to several categories of licenses normally issued within 7 days after receipt of the initial application. Examples of such license categories include vehicle inspection compliance certifications which in 1996 numbered approximately 1,400,000 and generally are issued very soon after the time of the application, usually on the same day. The Department has determined that this provision of Article 7.1 is self-implementing and does not require rule making.

2) Structure of Time-frames Licensing Categories Must Be Responsive to Applicants.

Article 7.1 does not place express restrictions on the construction of specific license categories in rule once a Department has identified its entire licensing activity subject to Article 7.1. In most cases, the division of the overall licensing activity into categories is obvious; at other times, it is less so. In this respect, an agency may divide its existing licensing activity into whatever categories it determines best responds to the needs of applicants. This is a reasonable statutory objective of § 41-1073(B) and is achieved in this rule by the division shown on the proposed tables.

3) Timely Licensing Decisions Must Be Based on Sufficient Information.

Article 7.1 identifies aspects of the licensing process centering on administrative completeness review, substantive review, agreements affecting the application review process, and sanctions for untimely agency action. Additional aspects of the licensing process are identified by harmonizing Article 7.1 with other competing statutory requirements.

a. License application submission.

The term “application” appears throughout Article 7.1 but is undefined. Article 7.1 gives the term at least 4 distinct meanings depending on the context: an “application” is (1) whatever is necessary to begin the process and start the time-frames, A.R.S. § 41-1072(1), (2) whatever is necessary to allow the Department to issue a notice of administrative completeness, end the administrative completeness review time-frame, and start the substantive review time-frame, A.R.S. §§ 41-1072(1) and 49-1074(A), (3) whatever is necessary to allow the Department to determine whether to grant or deny the license and end the time-frames, A.R.S. §§ 41-1072(2) and 49-1076, or (4) whatever is necessary to qualify as “administratively complete” automatically upon the expiration of the administrative completeness time-frame and start the substantive review time-frame. A.R.S. §§ 41-1072(1) and 49-1074(C). In other words, the term may mean everything necessary to grant or deny the license and end the time-frames, only the minimum necessary to start the time-frames, or something in between.

This variation in meaning is exemplified at A.R.S. § 41-1072(1) where the term “application” appears twice in this 1st sentence of Article 7.1 and has a different meaning in each instance.

“Administrative completeness review time-frame” means the number of days from agency receipt of an *application* for a license until an agency determines that the *application* contains all components required by statute or rule

(emphasis added.) The 1st occurrence means the initial submittal which may or may not be complete. The 2nd occurrence means the sum total of everything required of the applicant or other state agencies to support the issuance of the license.

The Department relies on the 1st interpretation in this instance, meaning that an application must contain sufficient components to start the time-frames. This must include the applicant’s name and address, the applicable license category, a fee if required, a completed Department application form if required, and a good faith effort to supply all the required application components.

b. Administrative completeness review (ACR) time-frame.

“Administrative completeness review time-frame” is defined at A.R.S. § 41-1072(1) with further detailed requirements at A.R.S. § 41-1074. The administrative completeness review time-frame begins upon receipt of an application that is sufficiently complete to perform the review and may involve some or all of the following elements.

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(1) Notice of administrative deficiencies. A notice of administrative deficiencies must be written and contain a comprehensive list of specific deficiencies based on statute or rule. The notice suspends rather than ends the ACR time-frame with the suspension lasting until the agency receives the missing information after which the time-frame resumes. The statute does not prohibit multiple written notices of administrative deficiencies; however, such notices issued after the ACR time-frame has expired will not suspend the overall time-frame (OTF).

(2) Presumptive administrative completeness. A.R.S. § 41-1074(C) provides that an application is deemed administratively complete upon the expiration of the ACR time-frame. Presumptive administrative completeness means only that the substantive review (SR) time-frame automatically starts and does not mean that the Department is now precluded from requesting additional information or that the Department is now required to grant the application. This is because other statutes prohibit the Department from granting by default any of the licenses identified in this rule. In every case, other statutes place the burden of applicants to submit all required components and prove their entitlement to a license before the law confers sufficient authority on the Department to grant and issue the license.

(3) Notice of administrative completeness. Department notice of administrative completeness is the only event that ends the ACR time-frame affirmatively prior to expiration. This notice starts the substantive review (SR) time-frame before the date upon which it would have started had the agency not issued the notice and had allowed the ACR time-frame to expire through inaction. The unused days remaining in this time-frame are probably lost.

(4) Submittal of information from other agencies. A.R.S. § 41-1072(1) requires that “all information required to be submitted by other government agencies” occur within the ACR time-frame. “Agencies” means state agencies; therefore, information required from non-agencies is not covered such as a response by EPA to a proposed Class I air permit. Such information may constitute a valid basis to deny a permit even if received during the substantive review (SR) time-frame.

c. Substantive review (SR) time-frame.

“Substantive review time-frame” is defined at A.R.S. § 41-1072(3) with further detail at A.R.S. § 41-1-1075. Moreover, A.R.S. § 41-1077 divides licenses into 2 groups based on whether substantive review by an agency is required before issuing a license. Licenses requiring substantive review are subject to refunds, fee excusals, and penalties. Licenses not subject to substantive review are not. The distinction between the 2 groups of licenses, therefore, has significant consequences for both license applicants and agencies.

The concept or meaning of “substantive review,” however, is not defined or otherwise described in Article 7.1, nor is the term used elsewhere in Arizona Revised Statutes. Also, the Department is not aware of any report or other document discussing the Legislature’s intent in dividing licenses into the 2 groups based on whether there will be substantive review.

The Department interprets “substantive review” to mean the qualitative evaluation of the information submitted in support of an application as opposed to “administrative completeness review” which the Department interprets as a clerical verification that the required information has been submitted.

(1) Public notice and hearings. A.R.S. § 41-1072(3) requires that “[a]ny public notice and hearings required by law shall fall within the” substantive review time-frame (SRTF). The Department had prepared the proposed rule based on its interpretation that the SR time-frame must extend until a licensing decision is made even if that decision occurs after the overall time-frame has expired. This was to make sure that any public notice and hearings required by law would absolutely occur within the SRTF. The proposed rule addressed the issue of expiration, imposition of sanctions, and reporting requirements by establishing “time-frame clocks” that operated within the time-frames. It was the clocks that suspended, resumed, and expired thus assuring that the rule would operate with the same results as required by statute. The Department had determined that the alternative to this interpretation would be that when the overall time-frame expired, the applicant would lose the ability to hold a valid public hearing unless the applicant withdrew and resubmitted the application.

The Department explained the incorporation of the “time-frame clock” concept in the proposed rule as follows. Definitions are provided to explain

the differences between “time-frame” and “time-frame clock” . . . for each of the 4 licensing time-frames identified in Article 7.1: administrative completeness review, substantive review, overall, and extension. The introduction of a “clock” operating within each time-frame eliminates a number of ambiguities in Article 7.1. It allows the counting of days to suspend without suspending the application itself. More importantly, suspending a “time-frame clock” rather than the time-frame itself, prevents invalidation of a public hearing or its required notice due to a Article 7.1 suspension. This allows the underlying time-frames to continue uninterrupted. Article 7.1 requires that any public hearing and its notice occur during the substantive review time-frame. The occurrence of suspensions in that time-frame and the ambiguity of whether the substantive review time-frame continues during

a time-frame extension would cloud the procedural validity of the notice and hearings to the detriment of applicants and the public.

Three terms defined in Article 7.1 are shown on this list of definitions: administrative completeness review time-frame, overall time-frame, and substantive review time-frame. The Department has repeated those terms found at A.R.S. § 49-1071 in this rule to clarify or interpret Article 7.1 to identify critical elements missing from the statutory definitions. These elements include precision in the determination of the starting and ending of each time-frame and clarity that suspensions will not invalidate public hearings, meetings, and notices. The Department believes it must fill in the missing gaps in the definitions in order to avoid uncertainty in the counting of days and the determination of when applicants may be due a refund.

GRRC objected to this interpretation and the Department has deleted all references in today's rule to "time-frame clocks." This change also resulted in the deletion of several definitions concerning various aspects of the time-frames as described in more detail under §§ 10 and 11 below.

(2) Requests for additional information during the substantive review time-frame (SRTF). Article 7.1 identifies 2 types of information requests that will suspend the operation of the SRTFs: the comprehensive and supplemental requests. A.R.S. § 41-1075(A) states that "an agency may make one comprehensive written request for additional information" that suspends the time-frames. In context, this means a unilateral suspension. There is no prohibition on additional comprehensive written requests but only 1 will suspend the time-frames. This makes good policy sense as well. A prohibition on the Department from informing an applicant of deficiencies means inevitable denial of the application, a result in direct conflict with the overall thrust and purpose of Article 7.1.

(3) Requests for additional information during a time-frame extension. A.R.S. §41-1075(B) provides that an agency and an applicant may agree to extend the SRTF. This means that a time-frame extension is a subset of the total SRTF and that additional comprehensive requests (1 of which may suspend time-frames) and supplemental requests may occur during the time-frame extension in the same manner as during the SRTF.

(d) Overall time-frame.

Article 7.1 identifies 2 types of overall time-frames. The 1st type is the "overall time-frame" defined in A.R.S. § 1072(2), the expiration of which leads to refunds, fee excusals, and penalties. The 2nd type is the "statutory overall time-frame" or the "statutory licensing time-frame" identified in A.R.S. § 41-1073(B). The Department has determined that the 1st definition controls for the purposes of determining whether sanctions apply.

(e) Counting of time-frame days.

Article 7.1 does not define "day" nor does the administrative procedure act (APA). The choices are "calendar day," "business day," or a combination of the 2. A typical compromise is to specify a certain number of days, such as 10, and define that days in excess of that number mean "calendar day" and days equal to or less than that number mean "business day." This solves the difficulties inherent in low-number review periods when the occurrence of weekends and holidays can substantially vary the number of business days available within a period. A similar case, however, is present in longer periods as well. A 30-day calendar period can have as many as 22 business days or as few as 18, a variance of as much as 22% (22/18). Even a 60-day calendar period can vary as much as 19% (44/37). The average is 20.6 business days per 30-day period or 20.9 business days per month. This is based on an average of 250.7 business days per 1 calendar year when business days exclude Saturdays, Sundays, and holidays.

Article 7.1 requires the Department to set time-frame periods in "days." Under the circumstances, it seems fairest to set all time-frame periods in business days no matter the length. This puts all application review periods on an equal footing no matter the day of the week or the month of the year filed. This approach also allows the Department to reduce time-frames periods to the actual number of business days believed necessary without increasing them to accommodate the variability inherent when specifying calendar days.

The Department has identified the following method for converting calendar days to business days:

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Calendar Times	Business Days	Calendar Times	Business Days	Calendar Times	Business Days
1 week	5 days	3 months	63 days	10 months	209 days
10 days	8 days	120 days	82 days	11 months	230 days
2 weeks	10 days	4 months	84 days	12 months	251 days
15 days	11 days	150 days	103 days	13 months	272 days
3 weeks	15 days	5 months	105 days	14 months	293 days
30 days	21 days	180 days	124 days	16 months	335 days
1 month	21 days	6 months	125 days	18 months	376 days
45 days	32 days	7 months	146 days	20 months	418 days
60 days	41 days	8 months	167 days	24 months	502 days
2 months	42 days	270 days	186 days	26 months	544 days
90 days	62 days	9 months	188 days		

The Department did not adopt of the meaning of “day” as defined at A.R.S. § 1-243 which means calendar day except when the last day is a holiday. In that case, the time extends until the next day not a holiday.

f. Suspension of time-frames.

A primary objective of Article 7.1 is to encourage timely licensing decisions and to discourage open-ended application review periods. Time-frames may suspend pending an applicant’s response to certain requests for additional required information. What happens when the applicant fails to respond for an extended period? Department experience is that this often happens with the usual result that the application reviewer must relearn or reanalyze the application before being able to get back up to speed and continue forward. The longer the inactivity, the more review time is required to refresh the reviewer’s understanding of the application. The Department currently has a number of applications pending for which the applicants has failed to respond for over 20 years.

In such cases, if the time-frames resume immediately in all cases, the Department must anticipate that possibility and then factor catch-up time into the time-frame periods it sets in rule. In the proposed rule, the Department took a different approach. The proposed rule showed times based on reasonable response times from applicants and provided that failure to make a reasonable response will cause the application to lapse from applicability under Article 7.1. The Department believed this a reasonable result. Applicants are required to submit all components complete at the beginning of the process. Those that fail to do so should be required to respond in a reasonable time so that the Department does not have to rework the application. “Lapse,” in the proposed rule did not mean that the application was no longer active; only that it was no longer subject to Article 7.1 sanction and reporting requirements. The Department believed this a fair balancing to allow shorter times in this rule. It also removed pressure off the Department to issue summary denials for such applications.

In response to objections by GRRC, the Department has removed all references to “lapse” in today’s rule. GRRC believes that 1 acceptable method under Article 7.1 is for an agency to provide in a licensing time-frame rule that failure by an applicant to respond to a request for more information by a time certain will result in automatic termination of the application and forfeiture of the fee. GRRC does not believe that an agency, upon failure by an applicant to make a timely response, may continue to review an application unless the application remains subject to Article 7.1 sanction and reporting requirements. The Department determined that today’s rule must not provide automatic application termination provisions. Termination must continue to be governed by the specific statutes and rules that govern each of the programs administered by the Department. For this reason, the Department removed all lapse provisions from today’s rule. This means that each program must determine how and when to terminate a pending application when the applicant has taken so long to respond that resumption of review would now require so much relearning and rework of the application that insufficient time remains in the time-frames.

(1) Failure to respond to requests for information. Article 7.1 provides that time-frames are suspended during the time between the Department’s request for missing application components, request for additional information, or supplemental request for information, and the applicant’s response to that request. The proposed rule provided that failure to submit the requested information within a reasonable period of time would result in lapse of the application’s applicability to Article 7.1. Under today’s rule, that is not the case. Instead, the Department must determine when a suspension has been so long that resumption of time-frames will not allow the Department adequate time to complete its review of the application. Here, the Department must take steps to make a final licensing decision on the application in the absence of a response.

(2) Failure to pay application fees. Article 7.1 does not address the consequences of an applicant’s failure to pay fees other than to imply a summary or eventual denial. Fees are an application component. Other rules require that

certain license applications incur fees in phases and sometimes not until the Department concludes its substantive review of the application. In these cases, fees are not known at the beginning of the application review period because other rules require that they be incurred on an hourly basis. Department experience has been that collection of fees after issuing a license is problematic and that withholding the grant of the license until the receipt of fees has sometimes been the only effective way to obtain the fees. In addition, the time necessary for an applicant to submit a final fee after receiving a bill may vary considerably. Local governments often require significant time to authorize and make payment.

In response, the proposed rule provided a suspension provision to handle the matter. As stated in the notice of proposed rule making, the alternative was to extend the times on affected categories by a considerable period. If not, certain applicants, such as local governments, might not ever be able to submit final payment prior to expiration and therefore be subject to summary denial.

GRRC objected to this suspension provision and the Department has deleted it from today's rule. The Department is not sure how to proceed on this matter or how to address the difficulties for applicants that this now presents. The Department, however, is taking steps to do what it can to provide applicants a reasonable alternative to summary denials.

(3) Substantial change to the application. Article 7.1 requires the Department to adopt specific time-frame periods within which the Department is strongly encouraged to make licensing decisions. This requirement anticipates that the days the Department assigns prospectively to each license category will be based on certain assumptions concerning the type and complexity of the licensing activity. It follows that if the licensing type or complexity substantially changes in mid-review (during Department review of the application) due to unilateral action on the part of the applicant, the Department should give the applicant a chance to reconsider the change or enter into a changed application agreement so as to move forward without restarting the process over from the beginning.

In the proposed rule, the Department had determined that Article 7.1 did not intend time-frames to continue to run against the Department on an application whose nature has been substantially changed by the applicant pending resolution of the change, because a substantially changed application is essentially a new application requiring different time-frames and possibly different application review fees. Under the proposed rule, should the Department determine that an applicant had, in fact, changed the application with subsequent submittals, the Department would suspend the clocks for a short time to allow the applicant an opportunity to determine whether to continue with the original application or change and pursue a new application. The Department stated in the notice of proposed rule-making that failure to provide breathing space in the form of suspension would mean increased summary denials. Department experience has been that applicants in certain licensing programs always or almost always change application proposals at least once during the review process. The Department believed that applicants must have the ability to continue to have this ability without suffering the penalty of withdrawing 1 application in order to submit a new application with the changed proposal along with a new fee. The Department did not believe this result was required by Article 7.1.

GRRC objected to this suspension provision and the Department has deleted it from today's rule. Now, when the Department determines that an applicant has changed its application, the time-frames will continue to run while the applicant take steps to either withdraw the change (and proceed with the original application), enter into an a changed application agreement, or withdraw the application and resubmit with a new fee. During this time, the time-frames will be running against the applicant, not the Department.

(4) Emergencies and upset conditions. This rule allows moratoria on the starting of time-frames and the suspension of time-frames on application in process due to emergencies and upset conditions but only for very specific and narrow purposes. The inclusion of this suspension provision allows the Department to shorten all time-frame periods in this rule because this provision eliminates the need to factor in the risk that certain events will prevent the Department from processing applications when those events are beyond the Department's control. This rule limits this ability to suspend only for license categories subject to sanctions. This is because it is the duty of the Department to control its funds for the benefit of the public and to ensure that licensing programs remain solvent and available to process license applications when applicants so desire.

g. License denials and administrative appeals of licensing decisions.

A.R.S. §§ 41-1092 through 41-1092.12 govern the process by which decisions and actions by the Department are administratively appealable. Generally, a licensing decision or action that is determinative of the legal rights, duties, or privileges of an applicant is administratively appealable through the office of administrative hearings in the department of administration. This also means that a licensing decision that does not conclusively determine the legal rights or duties of the applicant is not administratively appealable.

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The Department has determined that licensing decisions that determine an applicant's legal rights, duties, or privileges include the denial or conditional grant of a license and, therefore, are administratively appealable. On the other hand, unconditional grants are not administratively appealable because the applicant is being granted what it asked for in the application without additional conditions. If the Department grants what the applicant requested there can be no actual controversy over the Department's decision.

Under this rule, notices of administrative deficiencies and requests for additional information are not administratively appealable. They are not determinative of an applicant's legal rights or duties because the applicant is able to require the Department to reconsider its decision to issue the notice under R18-1-520.

h. Sanctions.

A.R.S. § 41-1077 specifies the instances in which sanctions apply for failure of an agency to make a timely licensing decision. Generally, these sanctions apply only if the license category is identified in the time-frames rules, the application is subject to substantive review, a fee is charged for reviewing the application, and the fee is deposited into a Department-controlled fund. The Department must continue review and reach a licensing decision on the application even if sanctions apply.

(1) Refunds and fee excusals. A.R.S. § 41-1077(A) requires that an agency must refund to the applicant all review fees already paid and must excuse review fees not yet paid if the agency fails to make a timely licensing decision. Based on the language of that provision, the Department has determined that the refund amount is only that actually remitted by the applicant for the specific application and does not include interest.

A.R.S. § 41-1077(A) also provides that the refund must be made from the same fund in which the application fee was originally deposited. The Department has determined that it may make a refund from a fund into which a fee was originally deposited only if the fund itself is under the Department's direct control. If the fund into which the fee was deposited is not under the Department's direct control, then the Department has no authority to make the refund. Fees deposited into the state general fund, for example, are not subject to refund because the Department has no authority to make an appropriate from that fund.

This determination has little actual effect upon the Department. Fees for very few license categories are deposited in the state general fund. Mostly they the operator certification licenses on Table 9. The Department has no history of making late decisions on these licenses. The other example is the pesticide licenses on Table 10. The application fees for these are deposited in a department of agriculture controlled fund. The Department has no experience of making late decisions on these licenses either.

(2) Penalties. A.R.S. § 41-1077(B) requires that an agency must pay a penalty into the state general fund for each month after the expiration of the overall time-frame or time-frame extension during which the agency has yet to make a licensing decision and which remains outstanding on the last day of the month. The amount of the penalty is 1% of the what the total application fee would have been had the Department made a timely decision. This qualification is necessary because an application may still continue to accumulate review charges at the time the penalty is due or an applicant may not have yet made all fee payments.

(3) Annual compliance reporting. A.R.S. § 41-1078 requires each agency to submit an annual report to the governor's regulatory review council (GRRC) containing the agency's compliance level with its overall time-frames. The report must include the number of licenses issued or denied within applicable time-frames and the amount of sanctions assessed for untimely decisions. The Department has determined that only activity for license applications subject to Article 7.1 requirements is to be addressed in the annual GRRC report.

4) The Licensing Process Must Remain Flexible to the Maximum Extent Practicable.

Article 7.1 expressly provides for supplemental request agreements and time-frame extension agreements. This rule contains formal procedures for 4 additional licensing time-frame agreements for the benefit of applicants.

a. Licensing time-frame supplemental request agreements.

A.R.S. § 41-1075(A) provides that during the substantive review time-frame, an agency and an applicant may mutually agree in writing to allow the applicant to submit supplemental requests for additional information. According to the statute, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date the agency receives the additional information. The Department has determined that such suspensions must be based on missing information required in statute or rule and that the agreement cannot be entered in to merely to obtain additional calendar time.

b. Licensing time-frame extension agreements.

A.R.S. § 41-1075(B) provides that an agency and applicant may by mutual written agreement extend the substantive review time-frame and overall time-frame so long as the extension does not exceed 25% of the overall time-frame. The Department has determined that the basis of determining the 25% is to be the presumptive overall time-frame as indicated on the proposed tables.

c. Licensing time-frame opt-in agreements.

This rule contains a provision to allow certain applications pending at the time of the effective date of this rule to become subject to the rule should both the applicant and Department agree. The Department has determined that it has the authority to enter into these agreements under Article 7.1 for the benefit of applicants.

d. Other licensing agreements.

A.R.S. § 41-1004 allows a person to waive any right conferred under the administrative procedure act (APA) which includes Article 7.1. The Department has determined that the objective of this statute, as it applies to Article 7.1, is to permit a license applicant to deviate from licensing time-frame requirements that are generally applicable by rule so long as the resulting licensing process more closely suits the applicant's needs while still responding to the primary statutory objectives of Article 7.1. To this end, today's rule offers 2 additional time-frame agreement provisions: pre-application and changed application licensing time-frame agreements. Both respond to applicants' needs. The Department has determined that it has authority to enter into these agreements for the benefit of applicants.

5) Time-frame Rules Must Take into Account 8 Statutory Considerations.

Article 7.1 requires the Department to consider 8 specific factors when adopting time-frames although no guidance is offered to assist in interpretation or application of the factors. Several of the factors do not seem relevant to the statutory thrust of Article 7.1 in that they direct agencies to consider matters that go beyond the immediate task of assigning days to time-frames. Each factor is considered in turn.

a. Licensing subject matter complexity.

Article 7.1 requires the Department to consider "the complexity of the licensing subject matter" when adopting time-frames. A.R.S. § 41-1073(C)(1). This probably means that licenses that do not require complex or lengthy application requirements and involve only routine or cursory substantive review should have short time-frames with little agency or applicant flexibility. More complex licenses may require longer time-frames perhaps with increasing agency and applicant flexibility as the licensing subject matter becomes more complex.

Licenses issued by the Department vary from simple registration licenses with no substantive review to extremely complex licenses requiring highly technical and individualized substantive review. This is due in great part to the Legislature requiring that many of the relevant application components for most of the more complex licenses be developed, formulated, and selected by applicants, not the Department. This is desirable as applicants are probably the best judge of what approach to a licensing requirement makes the most economic or practical sense. Although beneficial to applicants and ultimately to all of society, this applicant driven approach in the formulation of specific application components places an extraordinary burden on the Department.

It is not unusual that an applicant will propose a new technique or new form of equipment never seen previously by the Department. In an effort to accommodate the applicant's request, a reviewer may spend considerable additional time to examine and evaluate the proposal. It may become clear only after a certain amount of substantive review that additional information is required to proceed further. Alternatively, reviewer comments or questions may lead an applicant to decide to withdraw the proposal and substitute a different proposal. In the past, the Department has usually continued with the review to accommodate the applicant's change although this means further review and additional time.

5) Adoption Considerations.

A.R.S. § 41-1073(C) requires agencies to consider and balance 8 factors when adopting licensing time-frames. These are analyzed in turn below. In summary, the Department has recognized 2 applications of these considerations. The 1st applies when the Department 1st establishes licensing time-frames on existing licensing programs. The 2nd applies when the Department is developing or revising new or existing licensing programs so as to fit within an existing licensing time-frame rule. This rule addresses only the 1st of these 2 applications. In this regard only the 1st 4 considerations apply when 1st establishing a licensing time-frame rule intended to overlay existing licensing programs and when developing or revising new or existing licensing programs. The last 4 considerations can only apply to the development or revision of a new or existing licensing program due to the nature of the considerations.

All the flexible provisions of this rule flow from these statutorily required considerations: the licensing time-frame agreements, the various suspension provisions, the splitting of categories to allow applicants a more comfortable fit between actual requirements and necessary review time, and the numerous opportunities to cure unapprovable appli-

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cations. The time-frames shown in this rule are a direct result of these considerations. As the above provisions are removed from the rule, the longer the review times must become in order to compensate for the increased burden placed upon applicants to comply prior to expiration of the time-frames. The rule as proposed represented the best balance of all these competing forces for the benefit of applicants. This balance as expressed in today's rule has changed only as necessary in order to obtain GRRC approval of the rule.

a. Licensing subject matter complexity.

This factor is required by A.R.S. § 41-1073(C)(1) and requires the Department to consider the complexity of the licensing subject matter when adopting licensing time-frames. The Department has applied this consideration to every license category in this rule. This has resulted in many of the flexible provisions offered for the benefit of applicants including (1) splitting certain basic categories into subcategories with different times to reflect more closely the actual review needs for individual applications, (2) allowing numerous opportunities to cure unapprovable applications to allow applicants to stay in the application process rather than face summary denial, and (3) allowing opportunities for an iterative process to the maximum extent permitted by Article 7.1.

b. Agency resources.

This factor is required by A.R.S. § 41-1073(C)(2) and requires the Department to consider the resources of the agency granting or denying the license when adopting licensing time-frames. The Department has applied this consideration to every license category in this rule. This has resulted in many of the same results in this rule as discussed in the preceding paragraph. For fee-funded programs, this has also meant that the Department must diligently work towards timely licensing decisions so as to avoid refunds and the resulting inability to service later applicants due to diminishment of the program. For applicants, this means a higher risk of denials for unapprovable applications. For these reasons, this rule offers numerous opportunities for applicants to cure unapprovable applications prior to expiration.

c. Economic impact of delay on the regulated community.

This factor is required by A.R.S. § 41-1073(C)(3) and requires the Department to consider the economic impact of delay on the regulated community when adopting licensing time-frames. The Department has applied this consideration to every license category in this rule. This includes the recognition that none of the license categories in this rule may be granted by default. This means that, in every case, state law requires applicants to prove their right to obtain a license before the Department has authority under the law to grant the license. To this end, the Department has provided flexibility in this rule to allow applicants opportunities to cure unapprovable applications, continue in the application process rather than face a summary denial, and proceed forward to the completion of an approvable application as quickly as possible.

d. Public health and safety.

This factor is required by A.R.S. § 41-1073(C)(4) and requires the Department to consider the impact of the licensing decision on public health and safety when adopting licensing time-frames. The Department has applied this consideration to every license category in this rule. The Department has determined that the issuance of licenses earlier, rather than later, benefits public health and safety. To this end, the considerations discussed above and the resulting flexibility in this rule designed to encourage early approvals rather than repeated denials implements this required adoption consideration.

e. Use of volunteers.

This factor is required by A.R.S. § 41-1073(C)(5) and requires the Department to consider the possible use of volunteers with expertise in the subject matter area when adopting licensing time-frames. The Department does make use of volunteers in several programs. Department experience is that volunteer help is neither a predictable resource nor a dependable source of personnel or expertise. This means that reliance on volunteer assistance increases, not decreases, the Department's ability to manage shorter, dependable review times. For this reason, the Department has not included this consideration in its adoption of licensing time-frames in this initial rule making. It is possible, however, that the use of volunteers could be a viable consideration when establishing or revising an existing licensing program in future once this rule is in effect.

f. General licenses.

This factor is required by A.R.S. § 41-1073(C)(6) and requires the Department to consider the possible increased use of general licenses for similar types of licensed businesses or facilities when adopting licensing time-frames. The term "general license" has a number of different meanings that range from classic general licenses (not issued by the Department) to individual issued licenses with the word "general" in their name as identified in statute. See discussion at § 6(C)(3)(a) above for a discussion of license processing models. The use of classic general licenses (Model

A) always requires a higher emphasis and resource allocation to regulate through after-the-fact enforcement activity rather than through before-the-fact licensing. In this regard, the Department's current identification of required licensing models, including the identification of classic general licenses, is based on its understanding of what is required in statute. To the extent that the Department may have discretion to choose a classic general license regulatory scheme over an issued license regulatory scheme, such policy decisions must occur during the development or revision of those regulatory programs and not in this rule making. Once such a decision is made, however, the immediate effect is that classic general licenses are not subject to Article 7.1 licensing time-frame requirements. In this regard, this rule does not include classic general licenses.

The Department, however, has proceeded to apply this consideration to regulatory programs currently in development or under consideration for revision. One example is the self-certification program in the solid waste section currently under development. As a result of the application of this consideration, the program is exploring regulatory alternatives that shift certain licensing from licenses issued by the Department (and thus subject to licensing time-frames) to classic general (Model A) or notice (Model B) licenses (not requiring licensing time-frames). Similar processes are underway in other programs.

g. Agency cooperation.

This factor is required by A.R.S. § 41-1073(C)(7) and requires the Department to consider the possible increased cooperation between the agency and the regulated community when adopting licensing time-frames. The Department is unclear as to the proper role that this consideration should factor in the adoption of licensing time-frames. Even so, it appears to represent basic policy considerations inherent in the establishment or revision of a licensing program rather than in the initial adoption of this rule as an overlay on programs with existing licensing programs in place.

The Department, however, has made every effort to propose this rule with as much flexibility for the benefit of the regulated community as the law and resources will allow. In addition, the Department has taken steps to engage and cooperate with the regulated community in this rulemaking through a public outreach program unprecedented in the history of the Department. This included 10 focus groups held in July 1997 in Phoenix, Tucson, and Flagstaff prior to the issuance of a draft rule and 30 half-day workshops held in October 1997 through September 1998 to review and discuss the specifics of the rule and license tables in Phoenix, Tucson, Flagstaff, Bullhead City, Cottonwood, Show Low, and Yuma.

h. Agency flexibility.

This matter is required by A.R.S. § 41-1073(C)(8) and requires the Department to consider increased agency flexibility in structuring the licensing process and personnel when adopting licensing time-frames. The Department was unclear as to the proper role that this consideration should factor in the adoption of licensing time-frames and invited comment on this point in the notice of proposed rule making. No formal comment was received.

F. Rule Impact Reduction Analysis.

The Department must perform a rule impact reduction analysis in accordance with A.R.S. § 41-1035 prior to proposing a rule if that rule may have an adverse impact on small businesses. The Department has determined that the licensing time-frames rule will have at least some adverse impact on small businesses. This is because all applicants will be exposed to a certain degree of adverse impact. The Department has not identified any impact that will be uniquely borne by the class of small businesses. This analysis addresses the provisions of this rule.

1) Analysis Requirements.

A.R.S. § 41-1035 ("this Section") of the Administrative Procedure Act (APA) requires the Department to reduce adverse impacts of a proposed rule on the class of small businesses by using 1 or more of the 5 methods defined in this Section if the Department finds that the methods are legal and feasible in meeting the statutory objectives which are the basis of the proposed rule making. The Department has determined that the statutory objectives of this Section require that (1) these reductions are mandatory, (2) the Department may not impose any requirements on small businesses as a class not directly required by statute, (3) the Department must reduce rule impact on the class to the maximum extent permitted by its delegated authority, and (4) nothing in this Section authorizes the Department to formulate alternative rule impact reduction proposals regarding the class of small businesses. The power to propose alternatives implies discretion in the choice between alternative degrees of impact, something not permitted by this Section.

2) The Arizona Class of Small Businesses.

The analysis requires identification of rule impacts specifically on the class of small businesses. The Legislature has defined this class with precision at A.R.S. § 41-1001(20). To qualify, a member of this class must be a concern, including its affiliates, which (1) is independently owned and operated, (2) is not dominant in its field, and (3) employs fewer than 100 full-time employees or had gross annual receipts of less than 4 million dollars in its last fiscal

year. For purposes of a specific rule, an agency may define the class of small businesses to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations. The Department has determined that the statutory objectives of this definition do not authorize the Department to stray outside the statutory definition when considering the class governed by the rule reduction requirements of this Section. This means that the Department may not consider larger, smaller, or substitute classes that include members who do not conform to the ownership, field dominance, full-time employee, and gross annual receipt characteristics required by the Legislature for inclusion. Rule impact reduction for some or all members of this class, however, may occur under authority derived from statutes other than the APA.

3) Subsidies and Cost Shifting.

The issue of the Department's duty to subsidize or shift costs away from the class often arises within the context of the required analysis. The Department has determined that the statutory objectives of this Section do not authorize the Department to (1) subsidize the class or shift cost burdens imposed by the class onto others or (2) consider and propose subsidies or cost shifting alternatives. Granting subsidies to 1 class must inevitably shift a greater burden to other classes. The US Department of Commerce Bureau of the Census estimates that as many as 98% of all business establishments in Arizona may qualify as members of the class of small businesses as defined by the Legislature (based on the employee size characteristic alone). This means that even a small amount of cost shifting may result in significant additional burdens on others with perhaps as few as 2% of Arizona businesses required to bear the cost burdens of the other 98%. Moreover, the mandatory language of this Section permits no agency discretion in determining the extent of impact reduction should the agency determine that reduction is possible under this Section. This means that if the Department does have discretion to consider subsidies or cost shifting under this Section, then probably it must shift 100% of the costs away from the class. A proposal to shift a smaller amount, say only 50%, implies discretion in the choice of how much of the impact should be reduced on the class and shifted to others. The mandatory language of this Section does not permit such discretion. The Department has determined that such a blanket exemption from all costs for this class is not an objective of this Section. It follows that authority to subsidize or cost shift, if it occurs, must come from statutes other than the APA.

4) Compliance, Reporting, Scheduling, and Deadline Requirements.

Methods 1, 2, and 3 in A.R.S. § 41-1035 require the Department to identify compliance, reporting, scheduling, and deadline requirements contained in a proposed rule and, when legal and feasible, to reduce, consolidate, or simplify them for applicants who fall within the class of small businesses. The Department has determined that the relevant statutory objectives of the licensing time-frames statute (Article 7.1 of the APA) establish the need for certain minimum compliance, scheduling, and deadline requirements to which the Department has not added in this proposed rule.

a. Compliance requirements.

(1) Initial application submittal. The relevant statutory objectives of Article 7.1 require applicants to submit all required application components in the initial submittal. The Department has determined that this proposed rule (at R18-1-503(A) defining the contents of an initial submittal) follows the minimum statutory compliance requirements applicable to all applicants whether or not they fall within the class of small businesses. The Department has determined that the exception to this requirement contained within this proposed rule (at R18-1-508 for phased application agreements) is the result of harmonizing competing statutes and is required to be based on the subject matter of the application and not whether the applicant falls within the class of small businesses.

(2) Response to notices of application deficiencies. The relevant statutory objectives of Article 7.1 require applicants to submit complete responses to Department notices of administrative deficiencies made within the administrative review completeness review time-frame. The Department has determined that this requirement is based on the subject matter of the application and not whether the applicant falls within the class of small businesses.

(3) Response to requests for additional information. The relevant statutory objectives of Article 7.1 require applicants to submit complete responses to Department requests for additional information made in the substantive review time-frame. The Department has determined that this requirement is based on the subject matter of the application and not whether the applicant falls within the class of small businesses.

b. Reporting requirements.

The Department has determined that this proposed rule contains no reporting requirements for applicants.

c. Scheduling requirements.

Licensing time-frames. The relevant statutory objectives require the Department to establish in rule the administrative completeness review and substantive review time-frames for each type of license it issues subject to Article 7.1.

The Department has determined that this proposed rule follows the minimum reasonable statutory scheduling requirements applicable to all applicants whether or not they fall within the class of small businesses. The several exceptions contained in this proposed rule (such as different time-frames for standard/complex and with/without a public hearing) are based on the subject matter of the application and not whether the applicant falls within the class of small businesses. The exceptions contained in this proposed rule (at R18-1-518 for emergencies and upset conditions) are based on circumstances beyond the control of the Department and not whether the applicant falls within the class of small businesses.

d. Deadline requirement.

Today's rule contains no deadline requirements.

5) Performance Versus Design or Operational Standards.

Method 4 in A.R.S. § 41-1035 requires the Department to identify design or operational standards contained in a proposed rule and, when legal and feasible, to replace them with performance standards for applicants who fall within the class of small businesses. Design or operational standards are prescriptive ("cook book") standards that specify how each step in a regulated process shall be done but do not specify the desired end result. Performance standards are standards that specify the desired end result but do not specify exactly how that end result is to be achieved, leaving the determination of that process up to the regulated entity. The Department has determined that today's rule contains no design or operational standards within the meaning of this Section.

6) Rule Exemption for Small Businesses.

Method 5 in A.R.S. § 41-1035 requires the Department to exempt applicants who fall within the class of small businesses from all requirements of a proposed rule if legal and feasible. The Department has determined that the relevant statutory objectives require (1) the rule to apply to all applicants whether or not they fall within the class of small businesses and (2) classes recognized by the rule may only be based on the subject matter of an application and not whether the applicant falls within the class of small businesses. The Department has set compliance, reporting, scheduling, deadline, performance, design, and operational requirements as low as reasonably permitted by statute for all applicants who may be impacted by this proposed rule. The Department has determined that exemptions, should they occur, would only serve to increase, not decrease, the burden of this rule on the class of small businesses. Exemptions from the agreement opportunities identified in R18-1-508 through 513 would only restrict an applicant's options and thus tend to increase burdens. Exemptions from lapse and other suspension provisions would require the development of a 2nd set of licensing time-frames applicable only to applicants falling within the class of small businesses. This 2nd set would have extended times in anticipation of the additional Department time needed to relearn the circumstances of an application when responses come so late that previous processing activities connected with the application must be repeated. This means that small businesses could not be exempted further even if the Department did have discretion to recognize them as a special class under this proposed rule.

7) Findings.

At each step in the process, the Department exercised whatever discretion the Legislature delegated by statute to minimize adverse impacts on the class of small businesses to the maximum extent permitted by the statutory objectives which are the basis of this proposed rule. The Department has taken steps to insure that all adverse impacts on the class of small businesses imposed by this rule are the result only of legislative policy expressed by statute and not by agency discretion. The Department finds, therefore, that it is not legal or feasible in accordance with the statutory objectives which are the basis of this proposed rule to reduce further any possible undesirable impacts of the rule than already accomplished by this proposed rule on license applicants who fall within the class of small businesses and who may be impacted by the provisions contained within this proposed rule.

G. Section-by-section explanation of the rule.

1) Introduction.

Today's rule is within the boundaries of the Department's discretion to act under the statutory mandate of the licensing time-frames statute, A.R.S. Title 41, Chapter 6 (administrative procedure act), Article 7.1 (licensing time-frames). These boundaries are determined by the requirements of Article 7.1, by other statutory obligations, and, where conflicts appear, by harmonizing competing statutory obligations. The Department requested in the October 23, 1998, notice of proposed rulemaking for comment on its determination of the bounds of its discretion to act in this area.

This rule provides a number of provisions designed to provide applicants flexibility in meeting the requirements of Article 7.1. These include 5 sections (R18-1-508 through R18-1-513) governing a variety of bilateral agreements between applicants and the Department. All are intended to allow adjustment of the basic rule to the particular needs of individual applicants. None would be required or mandatory on either applicants or the Department. In practice, the Department expects these provisions to apply only to applications received in the Model E and F (applicant-deter-

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mined proposal) license processing categories. (See discussion of license processing models under § 6(C)(3)(a) above.) A program cost issue associated with offering such agreements is the diversion or expansion of program resources to negotiate and administer them. As a result, the extent to which each of the Department's programs will enter into these agreements may vary using 3 consideration factors identified in the rule. These are based, in turn, on the primary statutory considerations for setting times frames under A.R.S. 41-1073(C).

Licensing Model C and D (simple) applications probably will be unaffected in this regard because applicants for these types of licenses typically receive only limited opportunity to cure defective applications and usually no opportunity to make substantive changes in application components. (This is currently the usual practice in most, if not all, state agencies.) As a result, timely licensing decisions in these categories currently are the norm and the Department does not expect to change its general processing of these application types other than as needed to conform with the notice, tracking, and other requirements of Article 7.1. Model C licenses require only simple verification that the application is administratively complete; no substantive review occurs. Model D licenses require substantive review but both models allow no flexibility in the type of information supplied by an applicant. Virtually all applications received in Model C and D (simple) categories in the last fiscal year received timely licensing decisions from the Department.

Licensing Model E and F (applicant-determined proposal) applications, on the other hand, encourage applicants to present proposals for the Department's consideration. These application types are the inevitable result of a licensing process in which only a compliance standard is set (either in statute or rule) and applicants are free to propose methods to achieve the standard. Model E does not require a public hearing on a proposed license. Model F does. It is here that an iterative process becomes increasingly desirable from an applicant's point of view. The more an applicant can float proposals for the Department's evaluation, the more the applicant can explore novel, complex, or unusual solutions to achieve compliance. An iterative process, however, almost always takes time, sometimes considerable time, if the applicant resubmits numerous variations or changes to the original proposal in an attempt to achieve an approvable application or to receive terms and conditions to the applicant's satisfaction. In any case, an applicant may qualify for the license only if the Department determines that the proposal will satisfy the minimum standards required by the license. To this end, this rule contains numerous elements designed to allow applicants opportunities to cure defective applications and work towards an approvable application as quickly and economically as possible. The flexibility expressed in this rule may allow applicants to maintain many of their current advantages in the Department's approach to the processing of Model E and F applications in this regard. Not all of the Department's programs offer the same degree of flexibility today.

The flexible provisions of this rule do extend and complicate the rule presented here. The resulting complexity may be objectionable to the public. As an alternative to providing this flexibility (and resulting complexity), a stricter version could be developed. This approach could leave in only the bare minimum of these elements required by statute. This would extend the Department's current method for processing Model C and D (simple) applications to the Model E and F (application-determined proposal) applications as well. This would encourage (or perhaps force) faster licensing decisions based on complete, fully-formed, unchangeable, and approvable proposals submitted in the 1st instance; something that most applicants for Model E and F licenses do not now do. Inevitably, this means that applicants will have fewer opportunities to cure defective applications prior to expiration of the time-frames. This is sure to result in an increased risk of summary denials and fee forfeitures for applicants. Applicants may have to resubmit applications and fees more than once before being able to achieve an approvable application prior to the review deadline (as is currently the case in the Model C and D (simple) categories such as vehicle emission inspection certifications). This is especially true if an applicant submits novel or highly complex proposals intended to achieve compliance. Applicants applying for licenses that require a public hearing prior to a licensing decision will be under even greater time constraints as no additional time may be available if an applicant desires a hearing postponement to adjust to comments or application deficiencies. This means that an applicant may get just 1 shot at a license before being required to withdraw and resubmit so as to obtain more time.

The Department believes that such a strict version would result in the elimination of all the agreement sections in the rule (except the supplemental request and time-frame extension agreements) as well as all the "standard," "complex," "with no public hearing," and "with a public hearing" categories shown on the Tables. Revised (and condensed) license tables would then show the longest time now shown for the "complex with a public hearing" for all applications received. This is because the Department believes that it must adhere to the longer times so as not to subject program budgets to virtually automatic refunds merely because an applicant's proposal is novel or technically complex or because a public hearing may generate a very large amount of controversy and comment. Whether flexible or strict, however, the Department believes that any resulting rule must contain provisions generally in accord with those now shown for the 9 unilateral action and general provision sections, R18-1-516 through R18-1-524.

2) Explanation of the Rule.

The 22 sections of this rule divide into 5 general parts: 8 sections governing general matters, 5 sections prescribing the operation of the 4 time-frames, 5 sections prescribing the terms of various potential agreements between applicants and the Department, 3 sections governing a number of unilateral actions by the Department, and 1 section incorporating the specific license-by-license requirements prescribed in the 32 license tables (22 basic tables plus 10 additional tables).

R18-1-501. Definitions. This Section defines terms used in this rule. The operation details of “Department notification” and “Department receipt” are described here.

R18-1-502. Applicability; Effective Date. This Section defines the scope of applicability of this rule to Department licenses. Not all licenses administered by the Department are subject to the time-frame sanctions in Article 7.1; only licenses that the Department “issues” are covered and, then, only those issued later than 7 calendar days after receipt of an initial application. Licenses that result from notification requirements but that do not require the Department to issue a written license in response are excluded. Other licenses that do not require the licensee to submit an application are also excluded. Applications received pursuant to an enforcement or compliance order or a notice of violation are also excluded if the action imposes additional or different application components not included in a category on the license tables. This exclusion is necessary as such an action, in effect, requires the use of a license category not on the tables. Department experience is that few actions would actually result in such an exclusion.

Contractual activity, related matters, and compliance activity by licensees is excluded. This last exclusion is limited to activity by a licensee, required by an existing license, and necessary to keep the license in effect. On the other hand, certain compliance activity by a prospective licensee is not excluded and, therefore, may be subject to this Article. This includes license renewal and revision activity as this follows specific language in A.R.S. § 41-1073(B). The exclusion of other compliance activity by licensees is necessary due to the extraordinary extent of such activity administered by the Department annually. This would include many types of routine activity by licensees performed as a condition to maintain the validity of a license. Examples include ongoing inspection reports, other reporting activities, and the conformance of certain conduct with the terms and conditions of a license. The Department has not identified the probable extent of such compliance activity with precision but preliminary analysis strongly suggests that subjecting such activity to this Article would require the addition of considerably more than 2000 categories to the license tables over and above the 476 now shown.

Of those licenses included within Article 7.1's intent for coverage, only those identified on the time-frame tables will be subject to this rule. This Section also clarifies the effective date of the rule and excludes applications already in process before that date. An opt-in provision, however, may be available under R18-1-513 below for those with an application in process when the rule becomes effective and who may desire to subject the remaining term of the application to the rule. **Subsection (A)(7)** clarifies that licenses issued by political subdivisions of the state pursuant to certain agreements with the Department are not subject to this Article. **Subsection (A)(12)** clarifies the effective date of this rule as midnight 2 weeks after filing with the secretary of state. Specifying “midnight” will avoid the statutory default of “noon,” a difficult time to implement as it occurs in the middle of a business day. Specifying 2 weeks will allow the Department and the public to know prospectively the starting date and also allow the Department to make whatever last minute adjustments are necessary should the final rule change. The 2 weeks is necessary because it is GRRC and not the Department that files the final notice. This means that the Department usually does not know until afterwards exactly when a notice has been filed in fact.

Subsection (B) clarifies how to determine which terms of this Article apply to an application if that application is changed or made subject to a time-frames agreement. **Subsection (C)** provides that if other rules conflict with this Article, the other rules govern except that only this Article determines whether an applicant is entitled to a refund or fee excusal in accordance with Article 7.1.

R18-1-503. Administrative Completeness Review Time-frame Operation; Administrative Completeness. This Section prescribes the starting, suspending, resuming, and ending of the administrative completeness review time-frame. **Subsection (A)** identifies the starting of the time-frame and defines the minimum requirements of a 1st submittal sufficient to start the time-frame. The requirement for the submission of all components at the beginning of the process follows the primary thrust of Article 7.1. **Subsection (B)** identifies how to determine the ending of the time-frame.

Subsection (C) clarifies that the time-frame suspends only if the notice so states and contains a list of specific deficiencies. This allows informal communication to continue between the Department and applicants without requiring the formality of time-frame suspensions in every instance. The requirement for a specific list follows language in Article 7.1. The requirement that the notice suspends the time-frame only if it so states is added so that it will operate in the same manner as R18-1-504 comprehensive requests. In addition, it is probable that the time-frame cannot suspend unless express notice of the suspension is given because suspension may appealable agency action requirements under implicate A.R.S. § 41-1092.03.

Subsection (D) provides for automatic resumption of the time-frame upon Department receipt of the applicant's response to the notice but allows the Department 10 days to determine whether the submission is so inadequate that it merits canceling the resumption and turning the time-frame back as if the submission never occurred. This rule provides that after 10 days, however, the Department cannot turn the time-frame back but can suspend the time-frame again with another notice of administrative deficiencies if the administrative completeness review time-frame has not yet expired. If the time-frame has expired, the Department may issue a R18-1-504 comprehensive request instead. This provision is not expressed in Article 7.1 but is a reasonable inference as it addresses the clear possibility of successive incomplete responses by the applicant resulting in advancement of the time-frame a few days at a time toward presumptive administrative completeness in accordance with A.R.S. § 41-1074(C). Department ability to set the time-frame back is bolstered by the overall thrust of that section in that it states that if an agency issues a notice of administrative deficiencies within the administrative completeness review time-frame, the "application shall not be complete until all requested information has been received by the agency." This rule strikes a compromise between the 2 competing forces of that section; on the one hand an agency should not start the substantive review time-frame until it agrees that all information has been submitted while, on the other hand, the general imperative of Article 7.1 is to keep the time-frames moving forward to encourage early resolution of an application. Here, the Department has a short period to reset the time-frame, otherwise the time-frame continues forward despite the possibility of an inadequate response by the applicant. This is more applicant-friendly than the Massachusetts timely action rule (see discussion at § 6(C)(5)). In that rule, an applicant has only 2 chances to make it successfully through administrative completeness review. On the 1st notice of administrative deficiencies, the time-frame starts over from zero. On the 2nd notice, the license is denied and 50% of the fee is forfeited.

Subsection (E) provides for a notice of administrative completeness if appropriate. **Subsection (F)** clarifies that presumptive administrative completeness due to the automatic expiring of the administrative completeness review time-frame does nothing more than start the substantive review time-frame. **Subsection (G)** identifies 1 other section that may control the running of this time-frame. **Subsection (H)** defines a short 5-day period in which the Department can make a determination that the submittal was so defective that it will not be subject to this Article. This means that unless the Department makes such a determination within 5 days, the application is determined to be presumptively sufficient to continue under this Article.

R18-1-504. Substantive Review Time-frame Operation; Requests for Additional Information. This Section prescribes the starting, suspending, resuming, and ending of the substantive review time-frame. The structure of this section follows that of R18-1-503. **Subsections (A) and (B)** identify the starting and ending of the time-frame. **Subsection (C)** clarifies that the time-frame suspends only if the notice so states but that the Department can suspend the time-frame only once using a comprehensive request. This last requirement reflects a specific limitation in Article 7.1.

Subsection (D) provides for automatic resumption of the time-frame upon Department receipt of the applicant's response but allows the Department 15 days to determine whether the submission is so inadequate that it merits canceling the resumption and turning the time-frame back as if the submission never occurred. After 15 days, the Department cannot turn the time-frame back and can only suspend the time-frame again with a R18-1-509 supplemental request agreement. This follows R18-1-503 but with the window of opportunity increased to 15 days. This seems fair as the examination here is one of substantive, not administrative completeness, review. **Subsection (E)** identifies 1 other section that may also control the running of this time-frame.

R18-1-505. Overall Time-frame Operation. This section prescribes the starting, suspending, and ending of the overall time-frame. **Subsections (A) and (B)** identify the operation of the time-frame as acting in concert with the administrative completeness and substantive review time-frames. **Subsection (C)** clarifies that the overall time-frame may be shorter or longer than the just the sum of the time-frame days shown on the license tables due to (1) an early starting of the substantive review time-frame caused by the Department issuing a R18-1-503 notice of administrative completeness, or (2) 1 or more R18-1-510 time-frame extension agreements.

R18-1-506. Time-frame Extension Operation. This section prescribes the starting, suspending, and ending of the time-frame extension. **Subsection (A)** identifies the starting of the time-frame and clarifies that the time-frame must 1st be created by a R18-1-510 time-frame extension agreement. **Subsection (B)** identifies the ending of the time-frame. **Subsections (C) and (D)** clarify that the time-frame responds to R18-1-504 comprehensive requests and R18-1-509 supplemental request agreements. **Subsection (E)** identifies 1 other section that may also control the running of this time-frame.

R18-1-507. Ending of the Time-frames; Licensing Decisions; Withdrawal; Notice of Licensing Time-frames Nonapplicability. This Section harmonizes the Department's duties under Articles 7.1 and 10 of the APA to make certain explanations and inform an applicant of appeal rights in order to make certain licensing actions by the Depart-

ment sufficient to end the time-frames with a reasonable degree of good-faith finality. Article 10 of the APA governs hearings and appeals of certain Department actions under the jurisdiction of the department of administration.

Subsection (A) defines the 3 licensing decisions the Department may make in the application process sufficient to end all time-frames. The application process may terminate for other reasons such as withdrawal (described in subsection (D) below), but these do not represent licensing decisions or affirmative actions by the Department. **Subsections (B) and (C)** clarify that a conditional grant or a denial of a license are Department actions sufficient to end the time-frames if certain notice requirements are satisfied. This means that the imposition of sanctions results only from the Department's failure to reach a licensing decision in a timely manner and not whether that decision will withstand administrative or judicial review. In other words, once the Department has reached a good-faith licensing decision in a timely manner, the possibility of sanctions is foreclosed even if the decision is appealed. So long as the Department acted reasonably in reaching the decision, an administrative or judicial remedy should not impose sanctions even if it orders a change in the licensing decision itself. This makes sense as the Department believes the statutory objectives of Article 7.1 are to encourage timely good-faith licensing decisions resulting in low or no refunds rather than to set up a method to generate refunds as its principal goal.

Subsection (D) identifies when all time-frames end as a result of an applicant's action. **Subsection (E)** provides a formal means for the Department to notify an applicant of a Department determination that the application is, in fact, not subject to this Article. This may occur if an application requests some sort of approval by the Department that does not meet the statutory definition of "license" at A.R.S. § 41-1001(11) meaning "any permission required by law.

R18-1-508. Licensing Time-frames Pre-application Agreements. This Section prescribes the terms of pre-application agreements that may be offered by the Department for the benefit of applicants. None of these agreements are required.

Subsection (A) identifies the general purposes suitable for pre-application agreements made under this Article. **Subsection (B)** prescribes the minimum terms that every pre-application agreement must contain. The agreement must contain a fee adjustment if appropriate and the identification of application components and time-frame days in lieu of those shown on the tables. To this end, the agreement requires the applicant to waive its rights to the number of time-frame days identified on the tables in exchange for the agreement. Applicants are always free to proceed without this type of agreement but, in that case, must comply exactly with the tables. **Subsection (B)(4)** clarifies that time spent in pre-application review may not count toward the running of any of the time-frames. Applicants may spend considerable time in pre-application activities and may confuse the time they spend in preparation to submit an application with the time necessary for the Department to review that application. This clarifies that pre-application activities cannot be used to justify a reduction in the time-frames in the final pre-application agreement. This is because the statute requires applicants to submit complete and approvable applications at the beginning of the review process whether or not the applicant has performed pre-application coordination with the Department. **Subsection (B)(6)** requires a pre-application agreement to identify a specific license category on the license tables within which the application will be processed.

Subsection (C) prescribes additional terms that a pre-application agreement must contain if it allows the applicant to submit certain application components in 1 or more phases in the substantive review time-frame. **Subsection (C)(1)** prescribes that no deduction in time will occur due to the issuance of a notice of administrative completeness and the early starting of the substantive time-frame. This responds to the need to focus on successive application phases within the overall time-frame rather than just the 1 application phase as contemplated by Article 7.1. This means that the applicant gives up the right to the possibility of a shorter time due to the issuance of a 1st notice of administrative completeness in exchange for being excused from submitting all components in that early phase otherwise required. **Subsection (C)(2)** clarifies that completion of the 1st application phase will terminate the administrative completeness time-frame and start the substantive review time-frame. **Subsection (C)(3)** requires the agreement to identify each application phase with a list of application components required and the dates they are due along with an ability for the Department to review each in turn for administrative completeness along lines similar to normal R18-1-503 administrative completeness review including the authority to issue notices of administrative deficiencies. **Subsection (C)(4)** allows the Department to exercise the ability to suspend the time-frames with a R18-1-504 comprehensive request once in each application phase rather than once in the entire substantive review time-frame as contemplated by Article 7.1. The compromises here represent a balancing between establishing fixed times leading to sanctions and the increased work and flexibility needed by the Department to respond to an applicant's desire not to submit all components complete at 1 time and at the beginning of the process.

Subsection (D) identifies the 3 factors that the Department must consider when determining whether to enter into a pre-application agreement. These factors in rule follow 3 of the 8 factors identified at A.R.S. § 41-1073(C). Those 8 statutory factors control the Department's consideration process when adopting time-frames in rule. As such, those factors are also relevant here when considering whether to enter into a licensing time-frames agreement because these agreements, in effect, establish individually tailored time-frames for applicants.

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Subsection (D)(1) requires the Department to consider the complexity of the licensing subject matter. The Department realizes that no bright line exists in this regard. On the one hand, some license categories are so simple or have review times so short that expenditures of Department resources into considering and crafting agreements would represent an unreasonably significant demand on the Department resources currently available for that category. This would adversely impact other applicants seeking use of the same Department review resources. On the other hand, even applications in categories with simple review requirements or short review times may sometimes benefit from the use of licensing time-frame agreements. The actual analysis must remain somewhat speculative at this time because the Department has no experience with the use of such agreements. Still, the Department has determined, upon balance, that it is reasonable to assume that the use of agreements will provide significant assistance to applicants in certain circumstances. The Department desires to provide applicants with such flexibility but recognizes that it has limited resources to do so. The Department, therefore, believes that it should concentrate what resources it has to assist applicants in the most complex categories first.

To this end, the rule sets an initial starting point in this regard: pre-application agreements may only be considered for license categories with presumptive substantive review time-frames 90 or more days in length. This does not mean that categories with longer times are automatically entitled to agreements or that ones with shorter times are not; the other factors must also be met in order to qualify. In addition, specific program statutes or rules may support phased applications for review times of less than 90 days. If so, these license categories would also be eligible for pre-application agreements in accordance with R18-1-508(C). Examination of the license tables, however, shows that about half of the license categories have presumptive substantive review time-frames in excess of 90 days. The primary group of categories with times less than the 90-day presumption are in the drinking water and wastewater construction approval categories on Tables 5, 6, and 7. This makes sense because applicant demand in these programs is tied closely with economic growth cycles in Arizona. Setting the initial threshold at 90 days means that initial Department experience with pre-application agreements will occur in other programs, a reasonable result under the circumstances. Operation under this provision will give the Department and the regulated community data and experience to evaluate the reasonableness of this presumption and whether it should be later extended or limited in a future rule making.

Subsection (D)(2) requires the Department to consider the resources of the Department. The analysis of this consideration results, in part, in the 90-day presumption identified in subsection (D)(1) above. In addition, this consideration will also apply when the Department determines that either the negotiation of the agreement itself or the terms of the resulting agreement are likely to require the Department to expend resources to the significant detriment of other applicants also wanting use of Department review resources. This is more likely to occur when large numbers of applicants are competing for limited Department resources within a single program.

Subsection (D)(3) requires the Department to consider the impact on public health and safety or the environment. This means that agreements that provide beneficial impacts on these considerations must be favored over those that do not. In many cases, the Department expects that licensing time-frames agreements will ultimately shorten the time necessary for an applicant to achieve an approvable application. The Department believes that the issuance of permits earlier rather than later serves to promote beneficial impacts on public health and safety or the environment and should be encouraged.

The other 5 consideration factors at A.R.S. § 41-1073(C) are not included in this list of because they are not directly relevant. For example, factor 3 requires the Department to consider “[t]he economic impact of delay on the regulated community.” Here, the Department believes that each applicant is better able to determine if it is in its best economic interest whether or not to request an agreement. This means that the Department will presume that factor 3 is satisfied if an applicant, in fact, requests an agreement. Factors 5 through 8 involve matters more appropriate to Department consideration at the time the Department is developing or revising a licensing program rather than negotiating time-frame agreements with individual applicants.

R18-1-509. Licensing Time-frames Supplemental Request Agreements. This Section prescribes the terms of supplemental request agreements. Article 7.1 identifies and describes such agreements. **Subsection (A)** clarifies that an applicant and the Department may enter into any number of supplemental request agreements with the time-frames suspending each time but that suspensions can last only until the receipt of missing information identified in the agreements. **Subsection (B)** prescribes the minimum terms that every supplemental request agreement must contain. The agreement must identify the missing information requested, specify that the time-frames operate in accordance with R18-1-504 through 506 and not by special terms in the agreement.

R18-1-510. Licensing Time-frames Extension Agreements. This Section prescribes the terms of time-frame extension agreements. Article 7.1 identifies and describes such agreements. **Subsection (A)** clarifies that an applicant and the Department may enter into any number of time-frame extension agreements. **Subsection (B)** prescribes how to determine the base time that, in turn, determines the maximum extent to which the sum of all agreements can extend

the time-frames. The requirement that the base be the presumptive overall time-frame clarifies an ambiguity in Article 7.1. For pre-application agreements that specify an overall time-frame as a certain number of days, that number would substitute for the presumptive overall time-frame. Finally, the subsection clarifies that rounding up major fractions of days does not substantially conflict with the statutory 25% limit. **Subsection (C)** prescribes the minimum terms that every time-frame extension agreement must contain. These terms are simple; the agreement creates an extension time-frame that operates in accordance with R18-1-506.

R18-1-511. Licensing Time-frames Changed Application Agreements. This Section prescribes the terms of changed application agreements. The Department may offer these agreements for the benefit of applicants. The Department expects that such agreements would not be offered for Model C and D (uniform component) application processing types as this follows current practice. Offering these for Model E and F (nonuniform component) application types would also reflect current Department practice in most of these license categories. The alternative to a changed application agreement is for the applicant to withdraw a pending application and resubmit as a new application with the desired changes.

Subsection (A) identifies the nature of the agreement and explains that the agreement causes the time-frames on the superseded application to end. **Subsection (B)** prescribes the minimum terms that every changed application agreement must contain. The agreement must contain a fee adjustment if appropriate and the identification of application components and time-frame days in lieu of the tables. To this end, the agreement requires the applicant to waive its rights to the number of time-frame days identified on the tables in exchange for the agreement. Applicants are always free to proceed without this type of agreement but, in that case, must either continue with the information as submitted or withdraw and submit a new application with a new fee. The purpose of a changed application agreement is to specify the amount of time and fee already spent that can be salvaged in support of a changed application, all for the benefit of the applicant.

Subsection (C) identifies the 3 factors that the Department must consider when determining whether to enter into a changed application agreement. These 3 factors follow those of R18-1-508(D) and are the same except for the 1st factor. Here, the threshold for consideration is set at 30 days. This means that the Department will not enter into a changed application agreement if the presumptive substantive review time-frame agreement is less than 30 days. This excludes approximately 20% of the license categories now shown. Some of these categories, however, may still be available for changed application agreements in accordance with R18-1-502(C) if program statutes or rules provide for such changes. In addition, categories with times longer than 30 days would be excluded if program statutes or rules do not provide an opportunity for changes. The rationale for the 30-day threshold here is similar to the 1 expressed for the 90-day threshold at R18-1-508(D). Some point exists where (1) the use of Department resources to negotiate and implement a changed application agreement significantly and adversely impacts other applicants in the same category and (2) the review times for an application are so short, that requiring an applicant to start over is the fairer requirement. In this regard, the Department believes that the 30-day threshold is a reasonable threshold in this initial rule making.

R18-1-512. This Section is reserved.

R18-1-513. Licensing Time-frames Opt-in Agreements. This Section prescribes the terms of opt-in agreements. The Department may offer these agreements for the benefit of applicants. The purpose of an opt-in agreement is to provide an applicant a means whereby an application not otherwise subject to Article 7.1 would become subject to the provisions of these rules, including sanctions as appropriate. One use would be to subject applications already in process to the terms of this rule when the rule goes into effect. Without an opt-in agreement, such applications are exempted from the rule in accordance with R18-1-502(A)(1). This may ease applicant concerns that such applications might otherwise be ignored should the Department focus its attentions only on new applications subject to time-frames.

Subsection (A) identifies the nature of the agreement. **Subsection (B)** prescribes the minimum terms that every opt-in agreement must contain. The agreement must contain a fee adjustment if appropriate and the identification of application components and time-frame days in lieu of the tables. The intent of these terms is to adjust the impact of this rule to the actual remaining needs of an application process already partially complete.

Subsection (C) identifies the 3 factors that the Department must consider when determining whether to enter into an opt-in agreement. These 3 factors and their rationale follow R18-1-511(C) except that an opt-in agreement must provide for a remaining substantive review time-frame of at least 90 days. The Department has determined that agreements that would provide for shorter times probably represent applications already so close to a licensing decision that expenditure of Department resources to negotiate, implement, and operate the resulting agreements would not provide sufficient benefits to justify their costs to fellow applicants in the same program.

R18-1-514. This section is reserved.

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R18-1-515. This section is reserved.

R18-1-516. Reassignment of License Category. This Section prescribes the conditions under which the Department may unilaterally reassign the license category of an application and then notify the applicant of the change.

Subsection (A) provides that the Department may reassign an application to a different category under certain circumstances. The Department must notify the applicant of the reassignment and give a reason. The applicant may reject this change and require the Department to continue review within the original category by submitting a notice of intent to rely on the original license category.

Subsection (B) requires the Department to reassign an application from a category not requiring a public hearing to one so requiring if a hearing is requested. This would occur only for applications where such hearings are required by law once requested. The purpose of this subsection is to allow all applications to be placed into categories not requiring a public hearing when 1st received. Then, if a hearing is never requested, the Department has less time to reach a licensing decision. Alternatively, if a hearing is requested and, therefore, becomes required by law, the application moves automatically into its companion category providing a longer period in which to accommodate the hearing. The alternative to having this provision would be to assume that all applications in such categories may eventually have a hearing and subject all applications to the longer time whether a hearing is ever required or not. The term “public meeting” is also used in this subsection as the underground storage tank (UST) corrective action plan (CAP) rules refers to its public hearing as a public meeting.

Subsection (C) allows the Department to reassign an application from a standard to a complex category under certain conditions. The definition for “complex” at R18-1-501(9) means:

a license application category that requires a significant increase in Department resources in excess of standard application proposals due to size, novelty, complexity, or technical difficulty.

Of the approximately 3,000 to 5,000 applications of the Model E and F (applicant-determined proposal) processing types received annually, Department belief is that if this rule were in effect today, perhaps only 50 applications annually for drinking water and wastewater construction approvals and 20 applications annually in all other programs would fall into this complex category. These few applications, however, could be expected to consume significant amounts of Department resources and could occur in most of the Department's programs. Providing the standard and complex categories shown on the license tables allows the Department to handle such applications in a fair manner. This subsection allows an applicant to protest the change and submit a notice of intent to rely on the license category in effect prior to the change. This option is discussed in more detail at R18-1-521 below.

Subsection (D) clarifies that reassignment under this Section changes only the dates that time-frames on the application will expire.

R18-1-517. Application Withdrawal. This Section prescribes the operation and effect of withdrawn applications as ending all time-frames.

R18-1-518. Emergencies. This Section prescribes the conditions under which the Department may suspend certain provisions of this Article. Two types of suspension are available: (1) a moratorium on the starting of time-frames on new applications and (2) the suspension of time-frames for applications already in process. **Subsection (A)** prescribes that the Director may declare a time-frame moratorium or a suspension but only under certain conditions. **Subsection (B)** prescribes the contents of a declaration. The declaration must include reasons meeting the requirements of subsection (A), identification of the license categories affected, and automatic expiration by a date certain. Individual applications may not be singled out but the Director may restrict a time-frame suspension or moratorium of 1 or more entire categories of licenses to a specified Department application review location such as an individual emissions testing station, a regional office, or a site inspection location. **Subsection (C)** clarifies that the Director may revoke or issue successive declarations to balance the requirement that a declaration must contain a provision to expire by a date certain. This subsection allows the Director to adjust declarations to the specific circumstances giving rise to the emergency or upset condition. **Subsection (D)** clarifies that a declaration under this Section only affects the operation of the time-frames and not the application review activities of the Department. The Department is not prohibited from accepting and processing applications while the declaration is in force. **Subsection (E)** limits the applicability of this Section only to applications subject to sanctions.

This Section represents a balancing of the statutory mandate of Article 7.1 to impose sanctions on licensing funds for late action on applications with other statutory mandates for the Department to maintain financially sound and viable licensing programs, not only to keep the Department programs intact and functioning to maintain state commitments to the federal government but also to be available and open for business when the members of the public choose to submit an application for a license. The Department has determined that the statutory objectives of Article 7.1 are to sanction the Department for inattention and lax management only and not to sanction the Department when forces not

under its direct control intervene to make diligent processing of application reviews impossible. Prior to implementation of Article 7.1, the Department had no need to declare formal application moratoriums. Still, the Department does impose such moratoria from time to time. For example, the Department directs applicants to alternate locations when an entire vehicle emission testing station is temporarily disabled. Without clarification in rule, such a cessation under current practice might entitle applicants who present themselves during the shut-down to a refund (or free license) if the closure exceeds the time shown in the rule for that license category. The same would be true if any application acceptance facility of the Department were temporarily incapacitated due to fire or other reasons. Currently, even if the Department knows that it can not process new applications in a timely manner, acceptance at least puts the new applications in line for eventual review. Review times exceeding statutory or regulatory times may occur but no sanctions would follow. Article 7.1 changes the landscape by creating new constraints on Department actions as well as the introduction of sanctions. This Section responds to those new constraints.

R18-1-519. Public Hearings. This Section prescribes the applicability of the licensing time-frames to the noticing and holding of public hearings when such hearings are required before the Department may grant a license. This Section clarifies that once the substantive review time-frame begins, subsequent suspension or expiration of time-frames will not invalidate notice or hearings. This clarifies an ambiguity in Article 7.1 as A.R.S. § 41-1072(2) requires that “[a]ny public notice and hearings required by law shall fall within the substantive review time-frame.”

R18-1-520. Notice of Intent To Rely on the Application Components as Submitted. This Section responds to certain actions that Article 7.1 requires the Department to take during the pendency of a license application that can be characterized as appealable agency actions subject to the notice requirements of A.R.S. § 41-1092.03 and hearings before a department of administration administrative law judge. At least 2 Article 7.1-required actions fall into this category if they suspend the time-frames: the R18-1-503 notice of administrative deficiencies and the R18-1-504 comprehensive request for additional information. This rule provides other similar instances. The decision to issue the R18-1-503 notice or R18-1-504 request and thus suspend the time-frames probably is determinative of an applicant’s “legal rights, duties, or privileges” subject to A.R.S. §§ 41-1092 through 41-1092.11. On the other hand, modification of the time-frames through supplemental request and time-frame extension agreements are not appealable agency actions because they incorporate the applicant’s agreement to the modifications.

Receipt of the notice or request means that the application is dead unless the applicant does something more. Even if the applicant complies, the date leading to the possibility of sanctions is delayed. An applicant could pursue immediate appeals of R18-1-503 notices and R18-1-504 requests causing needless complications to the operation of the time-frames, a consequence not addressed in Article 7.1. (Do such appeals suspend the time-frames? If they do, what should the operation of the suspensions be? If they do not, does that mean that such appeals will force the time-frames to expire before a licensing decision resulting in inevitable sanctions every time an applicant appeals?) Unlike licensing programs operated by some agencies, applicants for Department licenses may not always be eager to receive them especially when certain duties or obligations begin only upon issuance, especially if the applicant enjoys a shield from enforcement during the pendency of the application (certain aquifer protection permit program licenses, for example). Once an applicant has made an initial application in compliance with the law, using legitimate methods to delay the issuance may make good business sense. The result under the constraints and imperatives of Article 7.1 could be extremely disruptive to the licensing review process and ultimate compliance by the prospective licensee.

In response, the Department has proposed in a separate rulemaking the following new section at R18-1-205. This rule text appeared in the *Arizona Administrative Register* (September 11, 1998) at pp. 2530, 2546, and is repeated here.

R18-1-205. Notice of Intent To Rely on License Application Components as Submitted

A. If a license applicant receives from the Department a notice that the application is lacking application components, is substantively deficient, or is otherwise deficient, the applicant, in lieu of submitting some or all of the components identified by the Department, may submit a written notice of intent to rely on the application components as submitted.

B. A notice of intent to rely on the application components as submitted shall include the following:

1. Identification of the applicant.
2. Identification of the license application.
3. Date of the Department notice or request objected to.
4. Identification of the application component or components objected to with reasons for the objection or objections.
5. A statement that the applicant intends to rely on the application components as submitted as the basis upon which the Department may determine whether to grant or deny the license.

C. A license applicant may submit additional license application components or other information at the same time the applicant submits a notice of intent to rely on the application components as submitted.

D. The Department, upon receipt of a timely notice of intent to rely on the license application components as submitted, shall do 1 of the following:

1. Rescind its request for the application component or components objected to in the notice.

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2. Modify its request for the application component or components objected to in the notice.
3. Grant the license unconditionally, meaning that the Department did not add conditions not requested by the applicant.
4. Grant the license with conditions, meaning that the Department added conditions not requested by the applicant.
5. Deny the license.

E. A timely notice of intent to rely on the license application components as submitted is one submitted within the time identified on the Department notification or request to which the applicant is objecting or, if the notification or request does not specify a time, within 2 months of receipt of the Department notification or request to which the applicant is objecting.

What these 2 sections do (R18-1-520 here and proposed R18-1-205) is provide the applicant an alternative to compliance with the notice or request. The existence of a choice that requires the Department to reconsider its decision means that the decision no longer meets the definition of an appealable agency action. The choice offered the applicant here is to notify the Department that the applicant intends to rely on the application components as submitted. What this does is allow the Department either to reconsider its decision or, by responding with a decision to grant or deny the license, accelerate the notice or request into a final licensing decision suitable for administrative review outside the Department. This provision follows generally the Massachusetts timely action rule (see discussion on the Massachusetts experience at § I (C)(5) above) and balances Article 7.1's mandate to provide expeditious application review with an applicant's Article 10 right to pursue administrative appeals of certain actions and the Department's duty to inform the applicant of that right. Allowing the applicant to accelerate the notice or request into a final decision to grant or deny the license is a reasonable harmonization of the competing statutory interests. Applicants are not likely to exercise this provision unless they have a good faith reason to believe they are on reasonable ground and that the Department is probably in error. Without this provision, an applicant could choose to appeal any number of times with the worst result (from the applicant's point of view) being that the time-frames might be reset to the date of the appeal. With this provision, a frivolous protest could require Department action resulting in the denial of the permit and the loss of the fee.

Subsection (A) prescribes the conditions when an applicant may proceed under this Section and submit a notice of intent. **Subsection (B)** describes the effect of a Department decision in response to the notice if the Department makes a decision within 15 days after receipt of the notice. **Subsection (C)** limits the time the Department may rescind or modify a notice or request and prescribes the impact of the resulting Department action on the time-frames.

R18-1-521. Notice of Intent To Rely on the License Category. This Section is similar to the notice of intent to rely on application components submitted described immediately above. This applicant notice responds directly to the Department notification of a changed license category in R18-1-515. The structure follows that of R18-1-204 describing the general provisions of the notice. Here, filing of a notice, in effect, cancels the Department's change of category. Whether the Department decides to continue under the time constraints of the previous category or summarily deny the application will probably depend upon the immediate circumstances at hand including the length of time remaining, the nature of the defective application components, the complexity of issues to be resolved, the legal requirement to conduct a public hearing, and the demand for additional Department resources to complete a reasonable review and reach a licensing decision.

R18-1-522. Notice of Change of Applicant's Agent for Receipt of Licensing Time-frames Notices. This Section provides the method by which an applicant may change the designation of its agent for receipt of licensing time-frames notices. **Subsection (B)** provides the minimum information required in a notice to make the change of agent effective. **Subsection (C)** provides that the Department shall notify the applicant upon receipt of the notice and that the change in agent will be effective 3 days after Department receipt or at a later date if identified by the applicant.

R18-1-523. Refunds, Fee Excusals, and Penalties. This section prescribes Department procedures for determining and making license refunds, fee excusals, and penalty payments. **Subsection (A)** clarifies that sanctions may occur only if an application is governed by this Article and requires a fee deposited in a Department fund. This last requirement follows A.R.S. § 41-1077(A) which requires that "[n]otwithstanding any other statute, the agency shall make the refund from the fund in which the application fees were originally deposited." The Department has determined that it has no authority to "make" appropriations from funds not under its direct control. This means that fees required to be deposited into the state general fund, for example, are not available to "make" refunds. Very few license categories on the license tables, however, are subject to this exclusion.

Subsection (B) identifies the 2 findings the Department must make in order to comply with its duties under both Article 7.1 (governing the right to obtain a refund or fee excusal) and A.R.S. § 35-301 (governing the handling of public money) prior to making a refund or fee excusal determination. **Subsection (C)** requires the Department to issue a

refund and make a fee excusal within 15 days (approximately 3 weeks) after making a determination that a refund or fee excusal is required.

These 2 subsections represent a reasonable balancing of Article 7.1's requirement that an agency issue a refund within 30 calendar days of the expiration of the overall time-frame or time-frame extension giving rise to the refund with the reality that the Department is likely not to know within that period that a refund may be due. Massachusetts' experience with refunds for failure to make a timely licensing decision is that most result from clerical failure to properly log in an application or component submittal. The Department expects the same to occur here. This means that the Department, in most cases, must rely on an attentive applicant to make the existence of a right to a refund known to the Department.

Subsection (D) clarifies the amount and scope of the refund and fee excusal. For example, no refund on an underground storage tank (UST) state assurance fund (SAF) reimbursement approval would occur even if the Department were late in making a licensing decision and even if the Department had collected overdue excise tank taxes as a prerequisite to application review. Any monies paid in annual tank fees or excise taxes do not meet the definition of "fee" at A.R.S. § 41-1001(9) meaning "a charge prescribed by an agency for obtaining a license," in this case, meaning the SAF reimbursement license. Any license that may have been created by payment of the annual tank fee is different than the SAF reimbursement license and, therefore, not subject to refund under this Article.

Subsections (E) and (F) govern the calculation and payment of penalties to the state general fund.

R18-1-524. Site Inspections. This Section harmonizes the requirements of Article 7.1 and A.R.S. § 41-1009 governing Department duties concerning site inspections. Here, this rule clarifies that the Department will limit the extent of its site inspections when made as an application component for an application subject to Article 7.1 so that no further notifications or other requirements under A.R.S. § 41-1009 will apply after the inspection is complete. **Subsection (A)** clarifies what constitutes compliance with a site inspection application component. **Subsection (B)** makes clear that a site inspection made in accordance with an application subject to Article 7.1 is strictly limited in scope. **Subsection (C)** clarifies the required information contained in a site inspection report made under A.R.S. § 41-1009.

R18-1-525. Licensing Time-frames: Application Components. This Section references the license tables accompanying this rule. The tables are divided along program lines and contain a numbered category list identifying every license issued by the program that is subject to Article 7.1. Each license contains data in 5 columns. In the 1st column is the license category's specific name followed by its statutory or regulatory authority to assist in identification. In the 2nd and 3rd columns are the number of days allocated to the Article 7.1 administrative completeness and the substantive review time-frames by this rule making. In the 4th column is a determination as to whether the license category is subject to sanctions. License categories identified in this column as not subject to sanctions are still subject to annual reporting requirements to the governor's regulatory review council (GRRRC). Finally, in the 5th column are references to application components required of the applicant for administrative completeness.

Table 1: Class I Air Licenses. This table describes the 26 license categories administered by the air quality permits section of the Air Quality Division for Class I permits subject to Article 7.1 licensing time-frame requirements.

Table 2: Class II Air Licenses. This table describes the 19 license categories administered by the air quality permits section of the Air Quality Division for Class II permits subject to Article 7.1 licensing time-frame requirements.

Table 3: Open Burning Licenses Issued by the Phoenix Office. This table describes the 1 license category administered by the air quality permits section of the Air Quality Division for open burning and forest and range management burn permits subject to Article 7.1 licensing time-frame requirements.

Table 3-N: Open Burning Licenses Issued by the Northern Regional Office. This table describes the 1 license category administered by the Northern Regional Office for open burning and forest and range management burn permits subject to Article 7.1 licensing time-frame requirements.

Table 3-S: Open burning licenses Issued by the Southern Regional Office. This table describes the 1 license category administered by the Southern Regional Office for open burning and forest and range management burn permits subject to Article 7.1 licensing time-frame requirements.

Table 4: Vehicle Emission Licenses. This table describes the 2 license categories administered by the vehicle emission section of the Air Quality Division subject to Article 7.1 licensing time-frame requirements.

Table 5: Safe Drinking Water Construction Licenses Issued by the Phoenix Office. This table describes the 11 license categories administered by the safe drinking water section of the Water Quality Division subject to Article 7.1 licensing time-frame requirements.

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Table 5-N: Safe Drinking Water Construction Licenses By the Northern Regional Office. This table describes the 11 license categories administered by the Northern Regional Office subject to Article 7.1 licensing time-frame requirements.

Table 5-S: Safe Drinking Water Construction Licenses Issued by the Southern Regional Office. This table describes the 11 license categories administered by the Southern Regional Office subject to Article 7.1 licensing time-frame requirements.

Table 6: Wastewater Construction Licenses Issued by the Phoenix Office. This table describes the 22 license categories administered by the wastewater unit of the Water Quality Division subject to Article 7.1 licensing time-frame requirements.

Table 6-E: Wastewater Construction Licenses Issued by the Enforcement Unit. This table describes the 22 license categories administered by the Water Quality Enforcement Unit subject to Article 7.1 licensing time-frame requirements.

Table 6-N: Wastewater Construction Licenses Issued by the Northern Regional Office. This table describes the 22 license categories administered by the Northern Regional Office subject to Article 7.1 licensing time-frame requirements.

Table 6-S: Wastewater Construction Licenses Issued by the Southern Regional Office. This table describes the 22 license categories administered by the Southern Regional Office subject to Article 7.1 licensing time-frame requirements.

Table 7: Subdivision Construction Licenses Issued by the Phoenix Office. This table describes the 6 license categories administered by the wastewater unit of the Water Quality Division subject to Article 7.1 licensing time-frame requirements. This table is offered as an alternative to the separate subdivision licenses shown on tables 5 and 6.

Table 7-N: Subdivision Construction Licenses Issued by the Northern Regional Office. This table describes the 6 license categories administered by the Northern Regional Office subject to Article 7.1 licensing time-frame requirements. This table is offered as an alternative to the separate subdivision licenses shown on tables 5-N and 6-N.

Table 7-S: Subdivision Construction Licenses Issued by the Southern Regional Office. This table describes the 6 license categories administered by the Southern Regional Office subject to Article 7.1 licensing time-frame requirements. This table is offered as an alternative to the separate subdivision licenses shown on tables 5-S and 6-S.

Table 8: Safe Drinking Water Monitoring and Treatment Licenses. This table describes the 34 license categories administered by the safe drinking water section of the Water Quality Division subject to Article 7.1 licensing time-frame requirements.

Table 9: Water and Wastewater Facility Operator Licenses. This table describes the 8 license categories administered by the Water Quality Division subject to Article 7.1 licensing time-frame requirements.

Table 10: Water Quality Licenses. This table describes the 109 license categories administered by the aquifer protection program (APP) section and reuse unit of the Water Quality Division subject to Article 7.1 licensing time-frame requirements. The APP program consists of 16 basic categories. These are repeated for all licensing review sections and units that administer them. These categories appear within this and other tables as follows.

Table 10, Group I:	Wastewater treatment facility.
Table 10, Group II:	Wastewater treatment facility (with recharge component). (10 categories only.)
Table 10, Group III:	Small BADCT wastewater treatment facility (with designs less than 250,000 gpd).
Table 10, Group IV:	Industrial facility.
Table 10, Group V:	Mine facility.
Table 10, Group VI:	Other discharging facility.
Table 10, Group VII:	Reclaimed wastewater reuse facility. (11 categories only.)
Table 12, Group III:	Nonlandfill solid waste facility.
Table 13, Group IV:	Special waste facility.
Table 14, Group III:	Landfill facility.

Table 11: Surface Water Licenses. This table describes the 3 license categories administered by the surface water section of the Water Division subject to Article 7.1 licensing time-frame requirements.

Table 12: Solid Waste Licenses. This table describes the 18 solid waste license categories administered by the solid waste section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements.

Table 13: Special Waste Licenses. This table describes the 25 special waste license categories administered by the solid waste section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements.

Table 14: Landfill Licenses. This table describes the 21 landfill license categories administered by the solid waste section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements.

Table 15: Medical Waste Licenses. This table is reserved and is intended to receive future medical waste license categories to be administered by the solid waste section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements.

Table 16: Waste Tire, lead Acid Battery, and Used Oil Licenses. This table describes the 4 license categories administered by the solid waste section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements in the waste tire, lead acid battery, and used oil programs.

Table 17: Hazardous Waste Licenses. This table describes the 32 license categories administered by the hazardous waste section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements.

Table 18: Underground Storage Tank Licenses. This table describes the 9 license categories administered by the underground storage tanks (UST) section of the Waste Programs Division and the state assurance fund (SAF) program subject to Article 7.1 licensing time-frame requirements.

Table 19: WQARF Remediation Licenses Issued by the Phoenix Office. This table describes the 11 license categories administered by the remedial projects section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements. This includes the water quality assurance revolving fund (WQARF) and superfund remediation programs.

Table 19-S: WQARF Remediation Licenses Issued by the Southern Regional Office. This table describes the 8 license categories administered by the Southern Regional office subject to Article 7.1 licensing time-frame requirements.

Table 20: Voluntary Program Remediation Licenses. This table describes the 3 license categories administered by the voluntary projects section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements.

Table 21: Pollution prevention licenses. This table describes the 1 license category administered by the pollution prevention section of the Waste Programs Division subject to Article 7.1 licensing time-frame requirements.

Table 22: Multi-program licenses. This table describes the 1 license category administered jointly by more than 1 division in the Department subject to Article 7.1 licensing time-frame requirements.

H. License-by-license Explanation

1) Table 1: Class I Air Licenses

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the state's implementation of the Arizona state operating permit (SOP), prevention of significant deterioration (PSD), and new source review (NSR) programs in accordance with A.R.S. § 49-421 through 49-467 and administered by the Department's Air Permits Section of the Air Quality Division. State law requires the programs to operate in harmony with the Clean Air Act (CAA) as prescribed in 40 C.F.R. §§ 60 and 70. Class I refers to the category of licenses identified at R18-2-302(B)(1).

The Department issues the following Class I licenses in all 15 counties for certain sources identified in A.R.S. § 49-402 and in all counties except Maricopa, Pima, and Pinal for other Class I sources. These 3 counties administer air pollution control programs of their own under authority granted by A.R.S. §§ 49-471 through 49-516 and issue licenses equivalent to those identified below for those other Class I sources. The Department's Class I air program governs approximately 35 sources.

The following Class I air license categories appear on Table 1 with the same corresponding numbers shown here in parentheses. The arrangement of licenses categories on this Table is as follows.

Individual Class I air permits.

Group I: Individual Class I prevention of significant deterioration (PSD) licenses.

Standard Class I PSD major source permit with no public hearing (1).

Standard Class I PSD major source permit with a public hearing (2).

Complex Class I PSD major source permit with no public hearing (3).

Complex Class I PSD major source permit with a public hearing (4).

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Group II: Individual Class I new source review (NSR) licenses.
Standard/complex and with/without a hearing as in Group I (5-8).

Group III: Individual Class I other major source licenses.
Standard/complex and with/without a hearing as in Group I (9-12).

Group IV: Individual Class I renewal licenses.
Standard/complex and with/without a hearing as in Group I (13-16).

Group V: Individual Class I transfer, amendment, and revision licenses.
Class I transfer (17).
Class I administrative amendment (18).
Class I minor revision (19).
Class I significant revision: standard/complex and with/without a hearing as in Group I (20-23).

General Class I air permits.

Group VI: Authority to operate (ATO) under Class I general permit licenses.
Class I general permit coverage petition (24).
Class I general coverage ATO new permit (25).
ATO renewal permit (26).

Group I: Individual Class I prevention of significant deterioration (PSD) licenses. These licenses are authorized and identified at A.R.S. § 49-426 and A.A.C. R18-2-302 and R18-2-406. These licenses are subject to sanctions because they require application review fees that are deposited into a Department fund and the applications require substantive review. Application components are identified in rule at R18-2-304, R18-2-402 and R18-2-406 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326.

For the standard category with a public hearing (Category 2 below), Table 1 shows 41 business days for the administrative completeness review and 251 business days for the substantive review time-frames. This is equivalent to the 60 calendar days and 12 months identified at R18-2-304 although these times apply to a definition of administrative completeness, scheduling, and review activities that vary from those presumed in Article 7.1. The review times in R18-2-304 are tied to specific review times, definitions, activities, scheduling, sequencing, and duties required by A.R.S. § 49-426 to follow CAA requirements for Title V state operating permits. This means that an applicant may receive different types of notices relating to application completeness; some relating to the operation of this rule and implementing Article 7.1 requirements and others relating to R18-2-304 and implementing CAA requirements incorporated by § 49-426. This result is unavoidable due to fundamental differences in the statutes. For example, the CAA requires that the 60 calendar-day administrative completeness review start over to zero days if the Department issues a notice of administrative deficiencies. Article 7.1 prohibits this result. The Department has determined to resolve these types of conflicts by operating the 2 clocks separately; 1 clock operated in accordance with Article 7.1 and used only to determine the applicability of sanctions; a 2nd clock operated in accordance with § 49-426 and used only to determine compliance with CAA.

The Department has limited experience with these license categories. In all 12 new major source Class I license categories (contained in Groups I, II, and III on Table 1), the Department has issued 2 licenses since 1993 and has 3 applications pending. Of these, the Department believes that perhaps 1 might qualify as falling within 1 of the “complex” categories described below.

The Department expects that all applications for licenses in this category group would be received 1st in Category 1 (“standard”). Should a public hearing be requested, the Department will reassign the application to Categories 2 or 4 (“with a hearing”) in accordance with R18-1-516(A). The Department may reassign an application to Categories 3 or 4 (“complex”) in accordance with R18-1-516(B) if the Department determines that the application requires a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. “Complex” as used in this rule is defined at R18-1-501(9).

(1) Standard Class I PSD major source permit with no public hearing. This is a Model E (no hearing) license. (See discussion of license processing models at § 6(C)(3) above). Table 1 shows this license category with the days described above except that the substantive review time-frame is shortened from 251 business days to 219 business days. This represents a reasonable time reduction of 32 business days (approximately 45 calendar days) should the application not require a public hearing prior to the Department making a decision to grant the license.

(2) Standard Class I PSD major source permit with a public hearing. This is a Model F (with a hearing) license. (See discussion of license processing models at § 6(C)(3) above). Table 1 shows this license category with the days described above.

(3) Complex Class I PSD major source permit with no public hearing. This is a Model E license. Table 1 shows this license category with the days described for Category 1 above except that the substantive review time-frame is increased from 219 business days to 281 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(4) Complex Class I PSD major source permit with a public hearing. This is a Model F license. Table 1 shows this license category with the days described for Category 2 above except that the substantive review time-frame is increased from 251 business days to 313 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

Group II: Individual Class I new source review (NSR) licenses. These licenses are authorized and identified at A.R.S. § 49-426 and A.A.C. R18-2-302 and R18-2-403. These licenses are subject to sanctions because they require application review fees that are deposited into a Department fund and the applications require substantive review. Application components are identified in rule at R18-2-304, R18-2-402 and R18-2-403 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. The structure, time-frames, operation, and rationale for these license categories (Categories 5-8) are the same as described for Group I above.

(5) Standard Class I NSR major source permit with no public hearing. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Table 1 shows this license category with the days described for Category 6 ("Standard") except that the substantive review time-frame is shortened from 251 business days to 219 business days. This represents a reasonable time reduction of 32 business days (approximately 45 calendar days) should the application not require a public hearing prior to the Department making a decision to grant the license.

(6) Standard Class I NSR major source permit with a public hearing. This is a Model F license because substantive review of non-uniform application components and a public hearing are required. Table 1 shows this license category with the days described for Group I above for standard applications requiring a public hearing: 41 business days (approximately 2 months) for the administrative completeness review time-frame and 251 (approximately 1 year) for the substantive review time-frame.

(7) Complex Class I NSR major source permit with no public hearing. This is a Model E license. Table 1 shows this license category with the days described for Category 5 above except that the substantive review time-frame is increased from 219 business days to 281 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(8) Complex Class I NSR major source permit with a public hearing. This is a Model F license. Table 1 shows this license category with the days described for Category 6 above except that the substantive review time-frame is increased from 251 business days to 313 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

Group III: Individual Class I other major source licenses. These licenses are authorized and identified at A.R.S. § 49-426 and A.A.C. R18-2-302. These licenses are subject to sanctions because they require application review fees that are deposited into a Department fund and the applications require substantive review. Application components are identified in rule at R18-2-304 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. The structure, time-frames, operation, and rationale for these license categories (Categories 9-12) are the same as described for Group I above.

(9) Standard Class I other major source permit with no public hearing. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Table 1 shows this license category with the days described for Category 10 ("Standard") except that the substantive review time-frame is shortened from 376 business days to 344 business days. This represents a reasonable time reduction of

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32 business days (approximately 45 calendar days) should the application not require a public hearing prior to the Department making a decision to grant the license.

(10) Standard Class I other major source permit with a public hearing. This is a Model F license because substantive review of application components and a public hearing are required. Table 1 shows this license category with added days for a public hearing should 1 be required: 41 business days (approximately 2 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(11) Complex Class I other major source permit with no public hearing. This is a Model E license. Table 1 shows this license category with the days described for Category 9 above except that the substantive review time-frame is increased from 344 business days to 406 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(12) Complex Class I other major source permit with a public hearing. This is a Model F license. Table 1 shows this license category with the days described for Category 10 above except that the substantive review time-frame is increased from 376 business days to 438 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

Group IV: Individual Class I renewal licenses. These licenses are authorized and identified at A.R.S. § 49-426 and A.A.C. R18-2-302 and R18-2-322. These licenses are not subject to refunds because they do not require application review fees. Application components are identified in rule at R18-2-304 and require a Department-generated application form and site inspection. The Department has limited experience with these license categories and is currently in the 1st year of a 3-year phase-in period. Under state law, the Department is expected to make licensing decisions on about 1/3 of the total number of governed sources each year for 3 years. About 35 sources are required to apply and, of these, 16 applications are now in the public notice phase. None of these 35 applications will be subject to this rule because they will be in process before the expected effective date of the rule. Only applications 1st received after the effective date of the rule will be subject to the rule. The structure, time-frames, operation, and rationale for these license categories (Categories 13-16) are the same as described for Group I above.

(13) Standard Class I renewal permit with no public hearing. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Table 1 shows this license category with the days described for Category 14 ("Standard") except that the substantive review time-frame is shortened from 376 business days to 344 business days. This represents a reasonable time reduction of 32 business days (approximately 45 calendar days) should the application not require a public hearing prior to the Department making a decision to grant the license.

(14) Standard Class I renewal permit with a public hearing. This is a Model F license because substantive review of non-uniform application components and a public hearing are required. Table 1 shows this license category with the basic review times described in rule: 41 business days (approximately 2 months) for the administrative completeness review time-frame and 376 (approximately 18 months) for the substantive review time-frame.

(15) Complex Class I renewal permit with no public hearing. This is a Model E license. Table 1 shows this license category with the days described for Category 13 above except that the substantive review time-frame is increased from 344 business days to 406 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(16) Complex Class I renewal permit with a public hearing. This is a Model F license. Table 1 shows this license category with the days described for Category 14 above except that the substantive review time-frame is increased from 376 business days to 438 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

Group V: Individual Class I transfer, amendment, and revision licenses.

(17) Class I transfer. This license is authorized and identified at A.R.S. §§ 49-429 and A.A.C. R18-2-302 and R18-2-323. This license is subject to sanctions because it requires an application review fee that is deposited into a Depart-

ment fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-323 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. The Department has limited experience with this license and has received only 2 applications for transfer licenses since 1994. Table 1 shows this licenses category with 5 business days for the administrative completeness review time-frame and 10 business days for the substantive review time-frame.

(18) Class I administrative amendment. This license is authorized and identified at A.R.S. § 49-426 and A.A.C. R18-2-302 and R18-2-318. This license is not subject to sanctions because it does not require an application review fee. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-318 and require site inspection. The Department has received approximately 8 applications for this license since 1994. Table 1 shows this licenses category with 10 business days (approximately 2 weeks) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(19) Class I minor revision. This license is authorized and identified at A.R.S. § 49-426.01 and A.A.C. R18-2-302 and R18-2-319. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-319 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. The Department has received approximately 33 applications for this license since 1994. Table 1 shows this licenses category with 41 business days (approximately 60 calendar days) for the administrative completeness review time-frame and 103 business days (approximately 150 calendar days) for the substantive review time-frame.

Class I significant revision licenses. These licenses are authorized and identified at A.R.S. § 49-426.01 and A.A.C. R18-2-302 and R18-2-320. These licenses are subject to sanctions because they require application review fees that are deposited into a Department fund and require substantive review. Application components are identified in rule at R18-2-304 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. The Department has issued 6 licenses in these license categories since 1994 and currently has 12 applications pending. None of these 12 applications will be subject to this rule because they are in process before the expected effective date of the rule. Only applications 1st received after the effective date of the rule will be subject to the rule. The structure, time-frames, operation, and rationale for these license categories (Categories 20-23) are the same as described for Group I above.

(20) Standard Class I significant revision with no public hearing. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Table 1 shows this license category with the days described for Category 21 (“Standard”) except that the substantive review time-frame is shortened from 376 business days to 344 business days. This represents a reasonable time reduction of 32 business days (approximately 45 calendar days) should the application not require a public hearing prior to the Department making a decision to grant the license.

(21) Standard Class I significant revision with a public hearing. This is a Model F license because substantive review of non-uniform application components and a public hearing are required. Table 1 shows this license category with the basic review times described in rule: 41 business days (approximately 2 months) for the administrative completeness review time-frame and 376 (approximately 18 months) for the substantive review time-frame.

(22) Complex Class I significant revision with no public hearing. This is a Model E license. Table 1 shows this license category with the days described for Category 20 above except that the substantive review time-frame is increased from 344 business days to 406 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(23) Complex Class I significant revision with a public hearing. This is a Model F license. Table 1 shows this license category with the days described for Category 21 above except that the substantive review time-frame is increased from 376 business days to 438 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

Group VI: Authority to operate (ATO) under Class I general permit licenses.

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(24) Class I general permit coverage petition. This license is authorized and identified at A.R.S. § 49-426(H) and A.A.C. R18-2-302 and R18-2-502. This license is not subject to sanctions because it does not require an application fee. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-502(B). The Department has limited experience with this license category. Only 1 application has so far been received. That application was denied. Table 1 shows this license category with 21 business days (approximately 1 month) for the administrative completeness review time-frame and 61 business days (approximately 2 months) for the substantive review time-frame.

(25) Class I general coverage ATO new permit. This license is authorized and identified at A.R.S. § 49-426(H) and A.A.C. R18-2-302 and R18-2-503. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-503 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-511. The Department has never received an application for this license. Table 1 shows this license category with 21 business days (approximately 1 month) for the administrative completeness review time-frame and 103 business days (approximately 5 months) for the substantive review time-frame.

(26) Class I general coverage ATO renewal permit. This license is authorized and identified at A.R.S. § 49-426(H) and A.A.C. R18-2-302 and R18-2-505. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-505 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-511. The Department has never received an application for this license. Table 1 shows this license category with 21 business days (approximately 1 month) for the administrative completeness review time-frame and 103 business days (approximately 5 months) for the substantive review time-frame.

b. Class I-type air licenses not subject to Article 7.1 licensing time-frame requirements.

(1) County air licenses. Licenses similar in nature to the Class I air licenses described above are issued by Maricopa, Pima, and Pinal counties under the state's county air pollution control program in accordance with A.R.S. §§ 49-471 through 49-516. These licenses are issued under authority independent from that of the Department and are not addressed in this rule making.

(2) Acid rain permit. An "acid rain permit" (CAA Title IV) in accordance with R18-2-333 (incorporating 40 C.F.R. § 72) is a set of additional conditions imposed on a licensee in a Class I PSD or NSR major source permit and is not a separate license and is not identified as such on the list below. The necessary acid rain (SO₂ and NO_x) conditions are incorporated into the base permit either when it 1st issues or through a reopening.

(3) Facility change licenses. Several licenses associated with Class I sources are created by notifying the Director of some proposed activity and, therefore, not subject to Article 7.1. These include proposed changes to permitted activities or facilities in accordance with R18-2-317(D). These represent Model B (notice) licenses.

(4) Class I reopening. This license is authorized and identified at A.R.S. § 49-402 and A.A.C. R18-2-321. Constructive applications prepared by the Department that may lead to this license are not subject to Article 7.1 because they are initiated by the Department.

2) Table 2: Class II Air Licenses

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the state's air pollution control program for minor sources in accordance with A.R.S. §§ 49-421 through 467 and administered by the Department's Air Permits Section of the Air Quality Division. The program governs sources not otherwise required to comply with the Clean Air Act (CAA). The Department issues the following Class II licenses in all counties except Maricopa, Pima, and Pinal. The following numbered license categories appear on Table 2 with the same corresponding numbers shown here in parentheses. The arrangement of licenses categories on this Table is as follows.

Individual Class II air permits.

Group I: Individual Class II new licenses.

Standard Class II permit with no public hearing (1).

Standard Class II permit with a public hearing (2).

Complex Class II permit with no public hearing (3).
Complex Class II permit with a public hearing (4).

Group II: Individual Class II renewal licenses.
Standard/complex and with/without a hearing as in Group I (5-8).

Group III: Individual Class II transfer, amendment, and revision licenses.
Class II transfer (9).
Class II administrative amendment (10).
Class II minor revision (11).
Class II significant revision: standard/complex and with/without a hearing as in Group I (12-15).

General Class II air permits.

Group IV: Authority to operate (ATO) under Class II general permit licenses.

Class II general permit coverage petition (16).
Class II general coverage ATO new permit (17).
Class II general coverage ATO renewal permit (18).
Class II general coverage ATO variance (19).

Group I: Individual Class II new licenses. These licenses are authorized and identified at A.R.S. § 49-426 and A.A.C. R18-2-302. These licenses are subject to sanctions because they require application review fees that are deposited into a Department fund and the applications require substantive review. Application components are identified in rule at R18-2-304 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326.

The Department has issued approximately 158 licenses in these Group I categories since 1994 and has approximately 41 pending applications. Department experience has been that perhaps 1 or 2 of these applications per year might qualify as falling within 1 of the “complex” categories described below. None of these 41 applications will be subject to this rule because they will be in process before the expected effective date of the rule. Only applications 1st received after the effective date of the rule will be subject to the rule.

The Department expects that all applications for licenses in this category group would be received 1st in Category 1 (“standard”). Should a public hearing be requested, the Department will reassign the application to Categories 2 or 4 (“with a hearing”) in accordance with R18-1-516(A). The Department may reassign an application to Categories 3 or 4 (“complex”) in accordance with R18-1-516(B) if the Department determines that the application requires a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. “Complex” as used in this rule is defined at R18-1-501(9).

(1) Standard Class II permit with no public hearing. This is a Model E (no hearing) license. (See discussion of license processing models at § 6(C)(3) above). Table 2 shows this license category with the days described for Category 2 below except that the substantive review time-frame is shortened from 272 business days to 240 business days. This represents a reasonable time reduction of 32 business days (approximately 45 calendar days) should the application not require a public hearing prior to the Department making a decision to grant the license.

(2) Standard Class II permit with a public hearing. This is a Model F (with a hearing) license. (See discussion of license processing models at § 6(C)(3) above). Table 2 shows this license category with 41 business days (approximately 60 calendar days) for the administrative completeness review and 272 business days (approximately 13 months) for the substantive review time-frames. This is reasonably equivalent to the calendar days and months identified in the rule.

(3) Complex Class II permit with no public hearing. This is a Model E license. Table 2 shows this license category with the days described for Category 1 above except that the substantive review time-frame is increased from 240 business days to 302 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(4) Complex Class II permit with a public hearing. This is a Model F license. Table 2 shows this license category with the days described for Category 2 above except that the substantive review time-frame is increased from 272 business days to 334 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

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Group II: Individual Class II renewal licenses. These licenses are authorized and identified at A.R.S. § 49-426 and A.A.C. R18-2-302 and R18-2-322. These licenses are not subject to sanctions because they do not require application review fees. Application components are identified in rule at R18-2-304 and require a Department-generated application form and site inspection. The Department has issued approximately 16 Class II renewal licenses since 1994 and has approximately 12 applications pending. Department experience has been that perhaps 1 or 2 of these applications per year might qualify as falling within 1 of the “complex” categories described above. None of these 12 applications will be subject to this rule because they will be in process before the expected effective date of the rule. Only applications 1st received after the effective date of the rule will be subject to the rule. The structure, time-frames, operation, and rationale for these license categories (Categories 5-8) are the same as described for Group I above.

(5) Standard Class II renewal with no public hearing. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Table 2 shows this license category with the days described for Category 6 (“Standard”) except that the substantive review time-frame is shortened from 272 business days to 240 business days. This represents a reasonable time reduction of 32 business days (approximately 45 calendar days) should the application not require a public hearing prior to the Department making a decision to grant the license.

(6) Standard Class II renewal with a public hearing. This is a Model F license because substantive review of non-uniform application components and a public hearing are required. Table 2 shows this license category with the basic review times described in rule: 41 business days (approximately 2 months) for the administrative completeness review time-frame and 272 business days (approximately 13 months) for the substantive review time-frame.

(7) Complex Class II renewal with no public hearing. This is a Model E license. Table 2 shows this license category with the days described for Category 5 above except that the substantive review time-frame is increased from 240 business days to 302 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(8) Complex Class II renewal with a public hearing. This is a Model F license. Table 2 shows this license category with the days described for Category 6 above except that the substantive review time-frame is increased from 272 business days to 334 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

Group III: Individual Class II transfer, amendment, and revision licenses. The Department has issued 13 revision licenses since 1994 and currently has 8 applications pending. Department experience has been that perhaps 1 or 2 of these applications per year might qualify as falling within 1 of the “complex” categories described above. None of these 8 applications will be subject to this rule because they are in process before the expected effective date of the rule. Only applications 1st received after the effective date of the rule will be subject to the rule.

(9) Class II transfer. This license is authorized and identified at A.R.S. § 49-429 and A.A.C. R18-2-302 and R18-2-323. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-323 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. The Department has issued approximately 16 Class II transfer licenses since 1994. Table 2 shows this licenses category with 5 business days for the administrative completeness review time-frame and 10 business days for the substantive review time-frame.

(10) Class II administrative amendment. This license is authorized and identified at A.R.S. § 49-426 and A.A.C. R18-2-302 and R18-2-318. This license is not subject to refund because it does not require an application review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-318 and require site inspection. The Department has issued approximately 8 Class II administrative amendments since 1994. Table 2 shows this licenses category with 10 business days (approximately 2 weeks) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(11) Class II minor revision. This license is authorized and identified at A.R.S. § 49-426.01 and A.A.C. R18-2-302 and R18-2-319. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified

in rule at R18-2-319 (revision anticipated) and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. The Department has issued approximately 22 class II minor revisions since 1994. Table 2 shows this licenses category with 41 business days (approximately 60 calendar days) for the administrative completeness review time-frame and 62 business days (approximately 90 calendar days) for the substantive review time-frame.

(12) Standard Class II significant revision with no public hearing. This license is authorized and identified at A.R.S. § 49-426.01 and A.A.C. R18-2-302 and R18-2-320. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-304 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. Table 2 shows this license category with the days described for Category 13 (“Standard”) except that the substantive review time-frame is shortened from 230 business days to 198 business days. This represents a reasonable time reduction of 32 business days (approximately 45 calendar days) should the application not require a public hearing prior to the Department making a decision to grant the license.

(13) Standard Class II significant revision with a public hearing. This license is authorized and identified at A.R.S. § 49-426.01 and A.A.C. R18-2-302 and R18-2-320. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing are required. Application components are identified in rule at R18-2-304 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. Table 2 shows this license category with the basic review times described in rule: 41 business days (approximately 2 months) for the administrative completeness review time-frame and 230 business days (approximately 11 months) for the substantive review time-frame.

(14) Complex Class II significant revision with no public hearing. This license is authorized and identified at A.R.S. § 49-426.01 and A.A.C. R18-2-302 and R18-2-320. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-304 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. Table 2 shows this license category with the days described for Category 12 above except that the substantive review time-frame is increased from 198 business days to 260 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(15) Complex Class II significant revision with a public hearing. This license is authorized and identified at A.R.S. § 49-426.01 and A.A.C. R18-2-302 and R18-2-320. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing are required. Application components are identified in rule at R18-2-304 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-326. Table 2 shows this license category with the days described for Category 13 above except that the substantive review time-frame is increased from 230 business days to 292 business days. This represents a reasonable increase of 62 business days (approximately 2 months) for applications that require a significant increase in Department resources in excess of standard application proposals received in this license category group due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

Group IV: Authority to operate (ATO) under Class II general permit licenses.

(16) Class II general permit coverage petition. This license is authorized and identified at A.R.S. § 49-426(H) and A.A.C. R18-2-302 and R18-2-502(B). This license is not subject to sanctions because it does not require an application fee. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-502(B). The Department has established several Class II general permit categories on its own initiative and perhaps has not received an application for this license. Table 2 shows this license category with 21 business days (approximately 1 month) for the administrative completeness review time-frame and 61 business days (approximately 2 months) for the substantive review time-frame.

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(17) Class II general coverage ATO new permit. This license is authorized and identified at A.R.S. § 49-426(H) and A.A.C. R18-2-302 and R18-2-503. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-503 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-511. The Department has issued approximately 81 licenses in this category since 1994 and has 7 applications pending. Table 2 shows this license category with 21 business days (approximately 1 month) for the administrative completeness review time-frame and 103 business days (approximately 5 months) for the substantive review time-frame.

(18) Class II general coverage ATO renewal permit. This license is authorized and identified at A.R.S. § 49-426(H) and A.A.C. R18-2-302 and R18-2-505. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-505 and require a Department-generated application form, site inspection and an initial fee. Application review fees are identified in rule at R18-2-511. Table 2 shows this license category with 21 business days (approximately 1 month) for the administrative completeness review time-frame and 103 business days (approximately 5 months) for the substantive review time-frame.

(19) Class II general coverage ATO variance. This license is authorized and identified at A.R.S. § 49-426(H) and A.A.C. R18-2-507. This license is subject to sanctions because it requires an application review fee that is deposited into a Department fund and requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-507 and require a Department-generated application form, site inspection and an initial fee. The Department has never received an application for this license. Table 2 shows this license category with 21 business days (approximately 1 month) for the administrative completeness review time-frame and 103 business days (approximately 5 months) for the substantive review time-frame.

b. Class II-type air licenses not subject to Article 7.1 licensing time-frame requirements.

(1) County air licenses. Licenses similar in nature to the Class II air licenses described above are issued by Maricopa, Pima, and Pinal counties under the state's county air pollution control program in accordance with A.R.S. §§ 49-471 through 49-516. These licenses are issued under authority independent from that of the Department and are not addressed in this rule making.

(2) Facility change licenses. Several licenses associated with Class II sources are created by notifying the Director of some proposed activity and, therefore, not subject to Article 7.1. These include proposed changes to permitted activities or facilities in accordance with R18-2-317(D). These represent Model B (notice) licenses.

(3) Class II reopening. This license is authorized and identified at A.R.S. § 49-402 and A.A.C. R18-2-321. Constructive applications prepared by the Department that may lead to this license are not subject to Article 7.1 because they are initiated by the Department.

3) Tables 3, 3-N, 3-S: Open Burning Licenses

The Department issues the following open burning licenses as part of the state's implementation of the state's open burning and forest and range burn management programs. Table 3 covers licenses issued by the Phoenix office, Table 3-N by the Northern Regional Office and Table 3-S by the Southern Regional Office.

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following open burning licenses as part of the state's implementation of the state's open burning program. The following numbered license category appears on Table 3, 3-N and 3-S with the same corresponding number in parentheses. These licenses are authorized and identified at A.R.S. § 49-501 and A.A.C. R18-2-602. These licenses are not subject to refund because they require no application review fee.

(1) Dangerous material open burning permit. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components for this license are identified at R18-2-602(E)(1) and require a Department-generated application form. Tables 3, 3-N and 3-S show this license category with 5 business days (approximately 1 week) for the administrative completeness review time-frame and 21 business days (approximately 1 month) for the substantive review time-frame. The Department has issued approximately 10 licenses in this category between January and September 1997.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements because they are issued within 7 days after receipt of the initial application in accordance with A.R.S. § 41-1073(D).

Open burning licenses. These licenses are authorized and identified at A.R.S. § 49-501 and A.A.C. R18-2-602.

(1) Weed abatement, fire hazard prevention, or fire fighting instruction open burning permit. Application components for this license are identified at R18-2-602(C)(2). The Department has issued approximately 700 licenses in this category between January and September 1997 and denied another approximately 20 applications. Current Department practice is that once an applicant has successfully obtained an initial license, subsequent applications for additional licenses and Department grants of those licenses are made by telephone.

(2) Ordinary household trash open burning permit. Application components for this license are identified at R18-2-602(E)(2). The Department has received no applications for licenses in this category between January and September 1997.

Forest and range management burn licenses. These licenses are authorized and identified at A.R.S. § 49-501 and A.A.C. R18-2-1506.

(3) Daily burn request approval. Application components for this license are identified at R18-2-1505(G) and R18-2-1506. The Department has issued between approximately 1500 and 2000 licenses in this category each year from 1994 to 1996. Department experience has been to deny approximately 8-10% of requests.

(4) Prescribed natural fire plan approval. Application components for this license are identified at R18-2-1505(G) and R18-2-1508. The Department has issued only 6 licenses in this category so far in 1997. The Department expects applications to increase significantly in this category during 1998.

4) Table 4: Vehicle Emission Licenses

The Department issues the following licenses as part of the state's implementation of the motor vehicle emissions inspection program in accordance with A.R.S. §§ 49-541 through 49-554 and administered by the Department's Vehicle Emissions Section of the Air Quality Division.

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The following numbered license categories appear on Table 4 with the same corresponding number in parentheses.

(1) Fleet station permit. This license is authorized and identified at A.R.S. § 49-546 and A.A.C. R18-2-1019 and R18-2-1026. This license is not subject to sanctions because it does not require an application review fee. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-1019 and require a Department-generated application form. Table 4 shows 15 business days (approximately 3 weeks) for the administrative completeness review time-frame and 21 business days (approximately 1 month) for the substantive review time-frame. In 1996, the Department received approximately 350 applications for this license and issued approximately 350 licenses.

(2) Analyzer facility registration. This license is authorized and identified at A.R.S. §§ 49-542 (J)(4) and 49-546(A)(2) and A.A.C. R18-2-1027. This license is not subject to sanctions because it does not require an application review fee. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-2-1027. Table 4 shows 10 business days (approximately 2 weeks) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame. In 1996, the Department received approximately 90 applications for this license and issued approximately 90 licenses.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements because they are issued within 7 days after receipt of the initial application in accordance with A.R.S. § 41-1073(D).

(1) Vehicle inspection compliance certification. This license is authorized and identified at A.R.S. § 49-542 and A.A.C. R18-2-1006. Licensing decisions for this license are made immediately at the time of the application and on the same day. In 1996, the Department received approximately 1,400,000 applications for this license and issued approximately 980,000 licenses.

(2) Waiver certification. This license is authorized and identified at A.R.S. § 49-542 and A.A.C. R18-2-1008. In 1996, the Department received approximately 45,000 applications for this license and issued approximately 33,000 licenses.

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(3) Alternative fuel certification. This license is authorized and identified at A.R.S. §§ 28-5808 and 49-542(F). In 1996, the Department received approximately 1200 applications for this license and issued approximately 1200 licenses.

(4) Exemption certification. This license is authorized and identified at A.R.S. § 49-542(J)(2) and A.A.C. R18-2-1023. In 1996, the Department received approximately 4200 applications for this license and issued approximately 4000 licenses.

(5) Director's certification. This license is authorized and identified at A.R.S. § 49-542(N) and A.A.C. R18-2-1006, R18-2-1022, and R18-2-1023. In 1996, the Department received approximately 400 applications for this license and issued approximately 400 licenses.

(6) Fleet operator compliance inspection certificate. This license is authorized and identified at A.R.S. § 49-542 and R18-2-1018. In 1996, the Department received approximately 1100 applications for this license and issued approximately 200,000 certificates. Individual applications may result in 100 or more certificates (licenses.)

(7) Fleet agent approval. This license is authorized and identified at A.R.S. § 49-546 and A.A.C. R18-2-1019(B)(1)(g). In 1996, the Department received approximately 350 applications for this license and issued approximately 350 licenses.

(8) Fleet inspector license. This license is authorized and identified at A.R.S. § 49-546(A)(3) and A.A.C. R18-2-1016. In 1996, the Department received approximately 1500 applications for this license and issued approximately 1300 licenses.

(9) Contractor inspector license. This license is authorized and identified at A.R.S. § 49-545 and A.A.C. R18-2-1025. In 1996, the Department received approximately 750 applications for this license and issued approximately 750 licenses.

(10) Analyzer repair technician certificate. This license is authorized and identified at A.R.S. §§ 49-542 (J)(4) and 49-546(A)(2) and A.A.C. R18-2-1028. In 1996, the Department received approximately 20 applications for this license and issued approximately 20 licenses.

(11) Emissions technician certificate. This license is authorized and identified at A.R.S. § 49-546(A)(3) and R18-2-1028. In 1996, the Department received approximately 150 applications for this license and issued approximately 150 licenses.

5) Tables 5, 5-N, 5-S: Safe Drinking Water Construction Licenses

The Department issues the following licenses subject to licensing time-frame requirements as part of the Department's implementation of the state's safe drinking water program in accordance with A.R.S. §§ 49-351 through 49-356 and administered by the Department's Water Protection Approvals and Permits Section of the Water Quality Division. The following license categories appear on Tables 5, 5-N and 5-S with the same corresponding numbers shown here in parentheses. Table 5 governs license applications processed by the Phoenix office, Table 5-N by the Northern Regional Office, and Table 5-S by the Southern Regional Office. The arrangement of licenses categories on the tables is as follows.

Group I: Drinking water approval-to-construct (ATC) licenses.

Standard drinking water treatment facility, project, or well ATC (1).
Complex drinking water treatment facility, project, or well ATC (2).
Standard public and semi-public swimming pool design approval (3).
Complex public and semi-public swimming pool design approval (4).

Group II: Drinking water approval-of-construction (AOC) licenses.

Standard/complex water treatment facility, project, or well AOC (5-6).
Standard/complex public and semi-public swimming pool AOC (7-8).

Group III: Other licenses.

Standard/complex water new source approval (9-10).
Drinking water time extension approval (11).

The construction approval licenses of the safe drinking water program are often closely related to corresponding construction licenses administered by the Department's wastewater collection and treatment program. The Department receives from 600 to 1100 applications each year for the construction of drinking water and wastewater facilities. Currently, the Department is receiving applications at the approximate rate of 700 to 750 per year with 400 to 450 of these applications containing requests for drinking water construction licenses of some kind.

Each application usually contains requests for 1 to 5 separate licenses identified on Tables 5, 6, and 7 of this rule. Approximately 25% of applications request only a single construction license such as a drinking water, well, or wastewater approval. Approximately 50% of applications concern both water and wastewater construction and may contain requests for several licenses. The other approximately 25% of applications concern subdivision sanitary approvals with requests for at least 3 licenses (subdivision, drinking water, and wastewater). Department experience is that total drinking water and wastewater construction licenses issued in recent years can vary between approximately 1500 and 3500 annually and that failure to reach a timely licensing decision almost always is due to failure by the applicant to respond to a notice of administrative deficiencies or a request for additional information.

Delegation agreements with counties to assume the issuance of a certain portion of these licenses has reduced the overall numbers issued by the Department in recent years. However, the average technical complexity of applications reviewed by the Department has increased even as overall numbers have decreased. This is due in part because county review focuses more on simpler application proposals. This leaves the Department with a higher proportion of more complex applications. In addition, the treatment technology expressed in application proposals continues to increase in complexity including alternative and other novel technologies. On the other hand, Department experience is that actual review time is often unrelated to the size of the proposed facility. This is because documentation submitted to support applications for larger facilities are usually much better engineered and presented than that submitted for smaller facilities.

Except for Group V, licenses on this table are not subject to sanctions because they do not require application review fees. No review application review times for these licenses currently appear in statute or rule. The following times are based on current Department experience, the assumption that the provisions of this rule will apply, and that approximately 5 to 10% of applications will be processed in the various "complex" categories.

Group I: Drinking water approval-to-construct (ATC) licenses. During the last fiscal year (1996-97), the Department received 614 applications for water and wastewater construction projects. In response, the 2 programs issued decisions on 836 license requests. Of these, 258 decisions concerned drinking water treatment facility, project, and well ATC requests. During the 1st 6 months of 1997, Department experience for issuance of a final approval or a letter of substantive deficiencies for all applications for drinking water facility ATC licenses shows that 50% were issued within 19 calendar days after receipt and 90% within 58 calendar days. The Department expects to adjust its review procedure in accordance with the time-frames statute to conduct an administrative completeness review prior to commencement of substantive review. The following times are based on this assumed change. Even so, current Department experience is that final approvals for 50% of these licence applications were issued within 28 calendar days and 90% within 131 calendar days.

The Department also expects to make other changes in its current application review process for ATC licenses. For example, the Department currently accepts ATC applications even when the applicant has not yet obtained an aquifer protection permit (APP) if required. Under this rule, the Department either may refrain from accepting such premature applications or it may accept them but identify the APP as a missing application component in a notice of administrative deficiencies with the effect of suspending the clock until such time as the APP is obtained.

(1) Standard drinking water treatment facility, project, or well ATC. This license is authorized and identified at A.R.S. § 49-353 and A.A.C. R18-4-505. This license is not subject to sanctions because the Department does not collect a fee for its issuance. This is a Model E license because it requires substantive review of non-uniform application components and does not require a public hearing. Application components are identified in rule at R18-4-505 and require a Department-generated application form and site inspection. Tables 5, 5-N and 5-S show this license with 11 business days (approximately 15 calendar days) for the administrative completeness review time-frame and 32 business days (approximately 45 calendar days) for the substantive review time-frame.

(2) Complex drinking water treatment facility, project, or well ATC. Tables 5, 5-N and 5-S show this category based on license category 1 above with the substantive review time-frame increased from 32 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(3) Standard public and semi-public swimming pool design approval. This license is authorized and identified at A.R.S. § 49-104(B)(12). This license is not subject to sanctions because the Department does not collect a fee for its issuance. This is a Model E license because it requires substantive review of non-uniform application components and does not require a public hearing. Application components are identified in rule at R18-5-203 and require a Department-generated application form and site inspection. Tables 5, 5-N and 5-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 21 business days for the substantive review time-frame.

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(4) Complex public and semi-public swimming pool design approval. Tables 5, 5-N and 5-S show this category based on license category 3 above with the substantive review time-frame increased from 21 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

Group II: Drinking water approval-of-construction (AOC) licenses.

(5) Standard drinking water treatment facility, project, or well AOC. This license is authorized and identified at A.R.S. § 49-353 and A.A.C. R18-4-507. This license is not subject to sanctions because it does not incur an application review fee. This is Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-507 and require a Department-generated application form and site inspection. Tables 5, 5-N and 5-S show this license with 11 business days (approximately 15 calendar days) for the administrative completeness review time-frame and 32 business days (approximately 45 calendar days) for the substantive review time-frame.

(6) Complex drinking water treatment facility, project, and well AOC. Tables 5, 5-N and 5-S show this category based on license category 5 above with the substantive review increased from 32 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(7) Standard public and semi-public swimming pool AOC. This license is authorized and identified at A.R.S. § 49-104(B)(12). This license is not subject to sanctions because it does not incur an application review fee. This is Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-204 and require a Department-generated application form and site inspection. Tables 5, 5-N and 5-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 21 business days (approximately 30 calendar days) for the substantive time-frame.

(8) Complex public and semi-public swimming pool AOC. Tables 5, 5-N and 5-S show this category based on license category 7 above with the substantive review increased from 21 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

Group III: Other drinking water construction licenses.

(9) Standard drinking water new source approval. This license is authorized and identified at A.R.S. § 49-353 and A.A.C. R18-4-505. This license is not subject to sanctions because the Department does not collect a fee for its issuance. This is Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-505 and require a Department-generated application form and site inspection. Tables 5, 5-N and 5-S show this license with 11 business days (approximately 15 calendar days) for the administrative completeness review time-frame and 32 business days (approximately 45 calendar days) for the substantive review time-frame.

(10) Complex drinking water new source approval. Tables 5, 5-N and 5-S show this category based on license category 16 above with the substantive review increased from 32 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(11) Drinking water time extension approval. This license is authorized and identified at A.R.S. § 49-353 and A.A.C. R18-4-505. This license is not subject to sanctions because the Department does not collect a fee for its issuance. This is Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-505 and require a Department-generated application form. Tables 5, 5-N and 5-S show this license with 11 business days (approximately 15 calendar days) for the administrative completeness review time-frame and 11 business days for the substantive review time-frame.

6) Tables 6, 6-E, 6-N, 6-S: Wastewater Construction Licenses

The Department issues the following licenses which are subject to licensing time-frame requirements as part of the Department's implementation of the state's wastewater collection and treatment program in accordance with A.R.S.

§§ 49-361 through 49-391 and administered by the Department's Water Protection Approvals and Permits Section of the Water Quality Division. The following numbered license categories appear on Tables 6, 6-E, 6-N and 6-S with the same corresponding numbers shown here in parentheses. Table 6 governs license applications processed by the Phoenix office, table 6-E by the Water Quality Enforcement Unit, Table 6-N by the Northern Regional Office and Table 6-S by the Southern Regional Office. The arrangement of licenses categories on the tables is as follows.

Group I: Wastewater approval-to-construct (ATC) licenses.

Standard/complex wastewater treatment facility ATC (1-2).

Standard/complex sewerage collection system ATC (3-4).

Standard/complex individual on-site wastewater facility ATC (5-6).

Standard/complex non-individual on-site wastewater facility ATC (7-8).

Standard/complex reclaimed wastewater and sewage disposal facility ATC (9-10).

Group II: Wastewater approval-of-construction (AOC) licenses.

Standard/complex wastewater treatment facility AOC (11-12).

Standard/complex sewerage collection system AOC (13-14).

Standard/complex individual on-site wastewater facility AOC (15-16).

Standard/complex non-individual on-site wastewater facility AOC (17-18).

Standard/complex reclaimed wastewater and sewage disposal facility AOC (19-20).

Group III. Other wastewater licenses.

Wastewater time extension approval (21).

Clean water act (CWA) § 208 consistency review approval (22).

The construction approval licenses of the wastewater collection and treatment program are often closely related to corresponding construction licenses administered by the Department's drinking water treatment and distribution program. See the explanation of the Department's experience with these programs described above at § 6(H)(5).

The following times are based on current Department experience, the assumption that the provisions of this rule will apply, and that approximately 5 to 10% of applications will be processed in the various "complex" categories.

Group I: Wastewater approval-to-construct (ATC) licenses. Wastewater ATC license application review requires, as an administrative completeness component, evidence of prior verification that § 208 requirements are satisfied prior to review.

(1) Standard wastewater treatment facility ATC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-804, and R18-9-806 and require a Department-generated application form, site inspection, an initial fee, and proof of prior verification that § 208 requirements are satisfied. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 32 business days (approximately 45 calendar days) for the substantive review time-frame.

(2) Complex wastewater treatment facility ATC. Table 6, Table 6-E, Table 6-N and Table 6-S show this category based on license category 1 above with the substantive review increased from 32 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(3) Standard sewerage collection system ATC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-804, and R18-9-806 and require a Department-generated application form, site inspection, an initial fee, and proof of prior verification that § 208 requirements are satisfied. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 32 business days (approximately 45 calendar days) for the substantive review time-frame.

(4) Complex sewerage collection system ATC. Table 6, table 6-E, Table 6-N and Table 6-S show this category based on license category 3 above with the substantive review increased from 32 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application

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proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(5) Standard individual on-site wastewater facility ATC. This license is authorized and identified at A.R.S. §§49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-804, and R18-9-806 and require a Department-generated application form, site inspection, an initial fee, and proof of prior verification that § 208 requirements are satisfied. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 21 business days (approximately 30 calendar days) for the substantive review time-frame.

(6) Complex individual on-site wastewater facility ATC. Table 6, Table 6-E, Table 6-N and Table 6-S show this category based on license category 5 above with the substantive review increased from 21 to 41 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 60 calendar days for the entire substantive review time-frame.

(7) Standard non-individual on-site wastewater facility ATC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-804, and R18-9-806 and require a Department-generated application form, site inspection, an initial fee, and proof of prior verification that § 208 requirements are satisfied. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(8) Complex non-individual on-site wastewater facility ATC. Table 6, table 6-E, Table 6-N and Table 6-S show this category based on license category 7 above with the substantive review increased from 41 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(9) Standard reclaimed wastewater and sewage disposal facility ATC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-703, R18-9-803, R18-9-804, and R18-9-806 and require a Department-generated application form, site inspection, an initial fee, and proof of prior verification that § 208 requirements are satisfied. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(10) Complex reclaimed wastewater and sewage disposal facility ATC. Table 6, Table 6-E, Table 6-N and Table 6-S show this category based on license category 9 above with the substantive review increased from 41 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

Group II: Wastewater approval-of-construction (AOC) licenses.

(11) Standard wastewater treatment facility AOC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-805, and R18-9-806 and require a Department-generated application form, site inspection and an initial fee. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 32 business days (approximately 45 calendar days) for the substantive review time-frame.

(12) Complex wastewater treatment facility AOC. Table 6, table 6-E, Table 6-N and Table 6-S show this category based on license category 21 above with the substantive review increased from 32 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(13) Standard sewerage collection system AOC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-805, and R18-9-806 and require a Department-generated application form, site inspection and an initial fee. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 32 business days (approximately 45 calendar days) for the substantive review time-frame.

(14) Complex sewerage collection system AOC. Table 6, Table 6-E, Table 6-N and Table 6-S show this category based on license category 2 above with the substantive review increased from 32 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(15) Standard individual on-site wastewater facility AOC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-805, and R18-9-806 and require a Department-generated application form, site inspection and an initial fee. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 20 calendar days) for the administrative completeness review time-frame and 21 business days (approximately 30 calendar days) for the substantive review time-frame.

(16) Complex individual on-site wastewater facility AOC. Table 6, Table 6-E, Table 6-N and Table 6-S show this category based on license category 25 above with the substantive review increased from 21 to 41 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 60 calendar days for the entire substantive review time-frame.

(17) Standard non-individual on-site wastewater facility AOC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-805, and R18-9-806 and require a Department-generated application form, site inspection and an initial fee. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(18) Complex non-individual on-site wastewater facility AOC. Table 6, Table 6-E, Table 6-N and Table 6-S show this category based on license category 27 above with the substantive review increased from 41 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

(19) Standard reclaimed wastewater and sewage disposal facility AOC. This license is authorized and identified at A.R.S. §§ 49-361 and 362 and A.A.C. R18-9-805. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-803, R18-9-805, and R18-9-806 and require a Department-generated application form, site inspection and an initial fee. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

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(20) Complex reclaimed wastewater and sewage disposal facility AOC. Table 6, Table 6-E, Table 6-N and Table 6-S show this category based on license category 29 above with the substantive review increased from 41 to 62 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal. This increase results in approximately 90 calendar days for the entire substantive review time-frame.

Group III: Other wastewater licenses.

(21) Wastewater time extension approval. This license is authorized and identified at A.R.S. §§ 49-361 and 49-362 and A.A.C. R18-9-804(F). This license is subject to sanctions because the application requires substantive review and an application review fee. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-804(F) and require a Department-generated application form and an initial fee. The fee is identified in rule at R18-14-101 through R18-14-108. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 21 business days (approximately 30 calendar days) for the substantive review time-frame.

(22) Clean water act (CWA) § 208 consistency review approval. This license is authorized and identified at A.R.S. §§ 49-361 and 49-362 and A.A.C. R18-9-804(I) and R18-9-804(J). This license is not subject to sanctions because no fee is required for application review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-804(I) and R18-9-804(J) and require a Department-generated application form. Table 6, Table 6-E, Table 6-N and Table 6-S show this license with 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 21 business days (approximately 30 calendar days) for the substantive review time-frame.

7) Tables 7, 7-N, 7-S: Subdivision Construction Licenses

The Department issues the following subdivision construction licenses which are subject to licensing time-frame requirements as part of the Department's implementation of the state's safe drinking water program and wastewater collection and treatment program in accordance with A.R.S. §§ 49-351 through 49-356 and 49-361 through 49-391 and administered by the Department's Water Protection Approvals and Permits Section of the Water Quality Division. See the explanation of the Department's experience with these programs described above at § 6(H)(5). The following numbered license categories appear on Tables 7, 7-N and 7-S with the same corresponding numbers shown here in parentheses. Table 7 cover license issued by the Phoenix office, Table 7-N by the Northern Regional Office and Table 7-S by the Southern Regional Office. The times presented in Tables 7, 7-N and 7-S are based on current Department experience and assumptions that the provisions of this rule will apply and approximately 5 to 10% of applications will be processed in the various "complex" categories.

The arrangement of Table 7, 7-N and 7-S is presented as follows.

Standard/complex subdivision water and wastewater approval (1-2).

Standard/complex water and on-site wastewater subdivision approval (3-4).

Standard/complex dry lot and on-site wastewater subdivision approval (5-6).

These license categories require an administrative completeness component of evidence of prior verification that § 208 requirements are satisfied.

(1) Standard subdivision water and wastewater approval. This license is authorized and identified at A.R.S. § 49-104(B)(11) and A.A.C. R18-5-401 through R18-5-411 and R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-401 through R18-5-411, R18-9-803, R18-9-804, and R18-9-806 and require a Department-generated application form, site inspection, an initial fee, and proof of prior verification that § 208 requirements are satisfied. The fee is identified in rule at R18-14-101 through R18-14-108. Table 7, Table 7-N and Table 7-S show this license category with 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 37 business days (approximately 45 calendar days plus 1 week) for the substantive review time-frame. The additional 1 week allows the wastewater program to conduct final coordination activities after drinking water review is complete.

(2) Complex subdivision water and wastewater approval. Table 7, Table 7-N and Table 7-S show this category based on license category 1 above with the substantive review increased from 37 to 67 business days. This increase

accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(3) Standard water and on-site wastewater subdivision approval. This license is authorized and identified at A.R.S. § 49-104(B)(11) and A.A.C. R18-5-401 through R18-5-411 and R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-401 through R18-5-411, R18-9-803, R18-9-804, and R18-9-806 and require a Department-generated application form, site inspection, an initial fee, and proof of prior verification that § 208 requirements are satisfied. The fee is identified in rule at R18-14-101 through R18-14-108. Table 7, Table 7-N and Table 7-S show this license with 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 46 business days (approximately 60 calendar days plus 1 week) for the substantive review time-frame. The additional 1 week allows the wastewater program to conduct final coordination activities after drinking water review is complete.

(4) Complex water and on-site wastewater subdivision approval. Table 7, Table 7-N and Table 7-S show this category based on license category 3 above with the substantive review increased from 46 to 67 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

(5) Standard dry lot and on-site wastewater subdivision approval. This license is authorized and identified at A.R.S. § 49-104(B)(11) and A.A.C. R18-5-401 through R18-5-411 and R18-9-804. This license is subject to sanctions because it incurs an application review fee that is deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-401 through R18-5-411, R18-9-803, R18-9-804, and R18-9-806 and require a Department-generated application form, site inspection, an initial fee, and proof of prior verification that § 208 requirements are satisfied. The fee is identified in rule at R18-14-101 through R18-14-108. Table 7, Table 7-N and Table 7-S show this license with 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 46 business days (approximately 60 calendar days plus 1 week) for the substantive review time-frame. This additional 1 week allows the wastewater program to conduct final coordination activities after drinking water review is complete.

(6) Complex dry lot and on-site wastewater subdivision approval. Table 7, Table 7-N and Table 7-S show this category based on license category 5 above with the substantive review increased from 46 to 67 business days. This increase accounts for applications that require a significant increase in Department resources in excess of standard application proposals due to the size, novelty, complexity, or technical difficulty expressed in the application proposal.

8) Table 8: Safe Drinking Water Monitoring and Treatment Licenses.

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the Department's implementation of the state's safe drinking water and potable water systems program in accordance with A.R.S. §§ 49-351 through 49-360 and administered by the Department's Drinking Water Section of the Water Quality Division. The following numbered license categories appear on Table 8 with the same corresponding numbers shown here in parentheses. The arrangement of license categories on Table 8 is as follows.

Group I: Safe drinking water monitoring, sample, and sample site change and waiver licenses.

Monitoring frequency change approval (1).

Monitoring sample change approval (2).

Residual disinfectant concentration sampling interval approval (3).

Interim monitoring relief determination (4).

Man-made radioactivity environmental surveillance substitution approval (5).

Consecutive public water system monitoring requirements modification approval (6).

Trihalomethane source basis for sampling purposes approval (7).

Sodium multiple well sampling number reduction approval (8).

Turbidity monitoring frequency reduction approval (9).

Monitoring waiver approval (10).

Group II: Safe drinking water variance and exemption licenses.

Maximum contaminant level or treatment technique requirement variance with/without a public hearing (11-12).

Maximum contaminant level or treatment technique requirement exemption with/without a public hearing (13-14).

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Maximum contaminant level or treatment technique requirement compliance extension approval (15).
Maximum contaminant level or treatment technique requirement compliance additional extension approval (16).
Safe drinking water requirement exclusion approval (17).
Backflow-prevention assembly third-party certifying entity designation approval (18).

Group III: Safe drinking water treatment and monitoring plan licenses.

Maximum contaminant level compliance blending plan approval (for 10 or fewer points-of-entry) (19).
Maximum contaminant level compliance blending plan approval (for more than 10 points of entry) (20).
Maximum contaminant level compliance blending plan change approval (for 10 or fewer points-of-entry) (21).
Maximum contaminant level compliance blending plan change approval (for more than 10 points of entry) (22).
Maximum contaminant level compliance at subsequent downstream service connections monitoring plan approval (23).
Point-of-entry treatment device monitoring plan approval (24).
Point-of-entry treatment device design approval (25).
Lead and copper source water treatment determination modification (26).
Lead and copper source water concentration determination modification (27).
Lead service line extent under system control determination (28).
Lead service line extent under system control rebuttable presumption determination (29).

Group IV: Lead and copper corrosion control licenses.

Lead and copper optimal corrosion control treatment approval (30).
Large water system lead and copper corrosion control activities equivalency demonstration approval (31).
Small and medium water system lead and copper corrosion control activities equivalency demonstration approval (32).
Lead and copper optimal corrosion treatment determination modification (33).
Lead and copper water quality control parameters determination modification (34).

Group I: Safe drinking water monitoring, sample, and sample site change and waiver licenses.

(1) Monitoring frequency change approval. These licenses are authorized and required by A.R.S. § 49-353(A)(2) and A.A.C. R18-4-206 through R18-4-403. These licenses are not subject to sanctions because the Department does not collect fees from applicants for their issuance. These are Model E licenses because substantive review of non-uniform application components are required and a public hearing is not required. Application components are identified in rule as indicated below and require a Department-generated application form. Department experience is that approximately 2 months are required to process each of these licenses, or 42 business days. Table 8 breaks this up into 15 business days for administrative completeness review and 27 business days for substantive review.

(a) Inorganic chemical groundwater monitoring frequency (quarterly) reduction approval. This license is identified at A.A.C. R18-4-206(G)(1).

(b) Inorganic chemical surface water monitoring frequency (quarterly) reduction approval. This license is identified at A.A.C. R18-4-206(G)(2).

(c) Inorganic chemical monitoring frequency change approval. This license is identified at A.A.C. R18-4-206(J).

(d) Inorganic chemical groundwater monitoring frequency (triennial) reduction approval. This license is identified at A.A.C. R18-4-206(K)(1) and R18-4-206(K)(6).

(e) Inorganic chemical surface water monitoring frequency (annual) reduction approval. This license is identified at A.A.C. R18-4-206(K)(2) and R18-4-206(K)(6).

(f) Asbestos groundwater monitoring frequency (quarterly) reduction approval. This license is identified at A.A.C. R18-4-207(I)(1).

(g) Asbestos surface water monitoring frequency (quarterly) reduction approval. This license is identified at A.A.C. R18-4-207(I)(2).

(h) Nitrate surface water monitoring frequency (quarterly) reduction approval. This license is identified at A.A.C. R18-4-208(E).

(i) Nitrate groundwater monitoring frequency (quarterly) reduction approval. This license is identified at A.A.C. R18-4-208(F).

(j) Nitrate monitoring frequency (quarterly) reduction approval. This license is identified at A.A.C. R18-4-209(G).

- (k) Volatile organic compound (VOC) initial monitoring frequency (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-212(E).
- (l) Volatile organic compound (VOC) monitoring frequency (annual) reduction approval.** This license is identified at A.A.C. R18-4-212(F).
- (m) Volatile organic compound (VOC) groundwater monitoring frequency (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-212(G)(1).
- (n) Volatile organic compound (VOC) surface water monitoring frequency (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-212(G)(2).
- (o) Volatile organic compound (VOC) groundwater monitoring frequency (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-212(I)(3).
- (p) Volatile organic compound (VOC) groundwater monitoring frequency (annual) reduction approval.** This license is identified at A.A.C. R18-4-212(I)(3).
- (q) Volatile organic compound (VOC) surface water monitoring frequency (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-212(I)(3).
- (r) Vinyl chloride monitoring (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-213(A).
- (t) Trihalomethane groundwater source monitoring frequency (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-214(F).
- (u) Synthetic organic compound (SOC) monitoring (quarterly) reduction approval (for systems serving more than 3300 persons).** This license is identified at A.A.C. R18-4-216(E), R18-4-216(G)(1).
- (v) Synthetic organic compound (SOC) monitoring (quarterly) reduction approval (for systems serving 3300 or fewer persons).** This license is identified at A.A.C. R18-4-216(E), R18-4-216(G)(2).
- (w) Synthetic organic compound (SOC) monitoring frequency (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-216(H)(3).
- (x) Radiochemical monitoring frequency (quarterly) reduction approval.** This license is identified at A.A.C. R18-4-217(E)(1).
- (y) Man-made radioactivity monitoring frequency variance approval.** This license is identified at A.A.C. R18-4-217(H)(4).
- (z) Lead and copper tap water monitoring frequency (biannual) reduction approval.** This license is identified at A.A.C. R18-4-310(E).
- (aa) Lead and copper tap water monitoring frequency (annual) reduction approval.** This license is identified at A.A.C. R18-4-310(E)(2).
- (bb) Lead and copper tap water monitoring frequency (semiannual) reduction approval.** This license is identified at A.A.C. R18-4-313(K).
- (cc) Lead and copper tap water monitoring frequency (semiannual) reduction approval.** This license is identified at A.A.C. R18-4-313(M)(1).
- (dd) Lead and copper tap water monitoring frequency (semiannual) reduction approval.** This license is identified at A.A.C. R18-4-313(M)(2).
- (ee) Lead and copper tap water monitoring frequency (semiannual) reduction revision.** This license is identified at A.A.C. R18-4-313(M)(2).
- (ff) Lead and copper tap water monitoring frequency (annual) reduction approval.** This license is identified at A.A.C. R18-4-313(M)(4).
- (gg) Nickel groundwater monitoring frequency (triennial) reduction approval.** This license is identified at A.A.C. R18-4-403(E)(1).
- (hh) Nickel surface water monitoring frequency (annual) reduction approval.** This license is identified at A.A.C. R18-4-403(E)(2).
- (ii) Nickel groundwater monitoring frequency reduction approval.** This license is identified at A.A.C. R18-4-403(E)(1).

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(jj) Nickel surface water monitoring frequency (annual) reduction approval. This license is identified at A.A.C. R18-4-403(E)(2).

(2) Monitoring sample change approval. These licenses are authorized and required by A.R.S. § 49-353(A)(2) and A.A.C. R18-4-214 through R18-4-313. These licenses are not subject to sanctions because the Department does not collect fees from applicants for their issuance. These are Model E licenses because substantive review of non-uniform application components are required and a public hearing is not required. Application components are identified in rule as indicated below and require a Department-generated application form. Department experience is that approximately 2 months are required to process each of these licenses, or 42 business days. Table 8 breaks this up into 15 business days for administrative completeness review and 27 business days for substantive review.

(a) Trihalomethane sample number reduction approval. This license is identified at A.A.C. R18-4-214(E).

(b) Lead and copper tap water sampling number reduction approval. This license is identified at A.A.C. R18-4-310(E).

(c) Lead and copper tap water sampling site number reduction approval. This license is identified at A.A.C. R18-4-313(J).

(d) Lead and copper tap water sampling site number reduction approval. This license is identified at A.A.C. R18-4-313(M)(1).

(e) Lead and copper tap water sampling site number reduction approval. This license is identified at A.A.C. R18-4-313(M)(2).

(f) Lead and copper tap water sampling site number reduction revision. This license is identified at A.A.C. R18-4-313(M)(2).

(3) Residual disinfectant concentration sampling interval approval. This license is authorized and required by A.R.S. § 49-353(A)(2) and governed by R18-4-303(B)(2)(a). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-303 and require a Department-generated application form. Table 8 shows 15 business days (approximately 3 weeks) for administrative completeness review and 15 business days for substantive review.

(4) Interim monitoring relief determination. This license is authorized and required by A.R.S. § 49-359(B)(3). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at A.R.S. § 49-359(B) and require a Department-generated application form. Table 8 shows 21 business days (approximately month) for administrative completeness review and 41 business days (approximately 2 months) for substantive review.

(5) Man-made radioactivity environmental surveillance substitution approval. This license is authorized and required by A.R.S. § 49-353(A)(2) and A.A.C. R18-4-217(H)(3)(d). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-217(H)(3)(d) and require a Department-generated application form. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 62 business days (approximately 3 months) for substantive review.

(6) Consecutive public water system monitoring requirements modification approval. This license is identified and required at A.R.S. § 49-353(A)(2) and governed by A.A.C. R18-4-113. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-113 and require a Department-generated application form and site inspection. As part of this application review process, the Department prepares a monitoring schedule that must be approved by EPA. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 84 business days (approximately 4 months) for substantive review.

(7) Trihalomethane source basis for sampling purposes approval. This license is identified and required at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-214(C). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-214 and require a Department-generated application form and site inspection. Table 8 shows 21 business

days (approximately 1 month) for administrative completeness review and 167 business days (approximately 8 months) for substantive review.

(8) Sodium multiple well sampling number reduction approval. This license is identified and required at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-402(B). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-402 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 167 business days (approximately 8 months) for substantive review.

(9) Turbidity monitoring frequency reduction approval. This license is identified and required at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-302(H). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-4-302 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 167 business days (approximately 8 months) for substantive review.

(10) Monitoring waiver approval. These licenses are authorized and required by A.R.S. § 49-353(A)(2) and A.A.C. R18-4-206 through R18-4-404. These licenses are not subject to sanctions because the Department collects no fees from applicants for their issuance. These are Model E licenses because substantive review of non-uniform application components are required and a public hearing is not required. Application components are identified in rule as indicated below and require a Department-generated application form. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 167 business days (approximately 8 months) for substantive review.

(a) Cyanide monitoring waiver approval. This license is identified at A.A.C. R18-4-206(L).

(b) Asbestos monitoring waiver approval. This license is identified at A.A.C. R18-4-207(L).

(c) Asbestos monitoring waiver renewal. This license is identified at A.A.C. R18-4-207(L)(2).

(d) Volatile organic compound (VOC) monitoring waiver approval. This license is identified at A.A.C. R18-4-212(E).

(e) Volatile organic compound (VOC) surface water monitoring use waiver approval. This license is identified at A.A.C. R18-4-212(K)(1).

(f) Volatile organic compound (VOC) groundwater monitoring use waiver approval. This license is identified at A.A.C. R18-4-212(K)(1).

(g) Volatile organic compound (VOC) surface water monitoring susceptibility waiver approval. This license is identified at A.A.C. R18-4-212(K)(2).

(h) Volatile organic compound (VOC) groundwater monitoring susceptibility waiver approval. This license is identified at A.A.C. R18-4-212(K)(2).

(i) Volatile organic compound (VOC) surface water monitoring use waiver renewal approval. This license is identified at A.A.C. R18-4-212(K)(4).

(j) Volatile organic compound (VOC) groundwater monitoring use waiver renewal approval. This license is identified at A.A.C. R18-4-212(K)(3).

(k) Volatile organic compound (VOC) surface water monitoring susceptibility waiver renewal approval. This license is identified at A.A.C. R18-4-212(K)(4).

(l) Volatile organic compound (VOC) groundwater monitoring susceptibility waiver renewal approval. This license is identified at A.A.C. R18-4-212(K)(3).

(m) Synthetic organic compound (VOC) monitoring use waiver approval. This license is identified at A.A.C. R18-4-216(M)(1).

(n) Synthetic organic compound (SOC) monitoring susceptibility waiver approval. This license is identified at A.A.C. R18-4-216(M)(2).

(o) Radium-228 monitoring waiver approval. This license is identified at A.A.C. R18-4-217(E)(2).

Group II: Safe drinking water variance and exemption licenses.

(11) Maximum contaminant level or treatment technique requirement variance with no public hearing. This license as a maximum contaminant level (MCL) compliance variance is identified at A.R.S. § 49-353(A) and A.A.C. R18-4-110(A). This license as a treatment technique requirement variance is identified at R18-4-110(B). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components for both MCL compliance variances and treatment technique requirement variances are identified at R18-4-110(D) and require a Department-generated application form and site inspection. Certain review times are identified in rule. R18-4-110(G) provides that the Department shall make a proposed decision within 90 days of receipt of the application. The applicant water supplier then provides public notice and has an additional 30 days to submit additional information if the preliminary decision is to deny. The Department then makes a final decision within 30 days after receipt of the additional information. Based on these review times, Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 105 business days (approximately 5 months) for substantive review.

(12) Maximum contaminant level or treatment technique requirement variance with a public hearing. This is the same license identified in category 11 above when a public hearing is held on the Department's proposed decision (making it a Model F license). A.A.C. R18-4-110(H) provides for a hearing if a request is made within 30 days after public notice. If so, the hearing is held in accordance with R18-1-402. Accordingly, Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 187 business days (approximately 9 months) for substantive review.

(13) Maximum contaminant level or treatment technique requirement exemption with no public hearing.

This license as a maximum contaminant level (MCL) compliance exemption or a treatment technique requirement exemption is identified at A.R.S. § 49-353(A) and A.A.C. R18-4-111. This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components for both MCL compliance exemptions and treatment technique requirement exemptions are identified at R18-4-111(E)-(F) and require a Department-generated application form and site inspection. Certain review times are identified in rule. R18-4-111(H) provides that the Department shall make a proposed decision within 90 days of receipt of the application. The applicant water supplier then provides public notice and has an additional 30 days to submit additional information if the preliminary decision is to deny. The Department then makes a final decision within 30 days after receipt of the additional information. Based on these review times, Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 105 business days (approximately 5 months) for substantive review.

(14) Maximum contaminant level or treatment technique requirement exemption with a public hearing. This is the same license identified in category 13 above when a public hearing is held on the Department's proposed decision (making it a Model F license). A.A.C. R18-4-111 provides for a hearing if a request is made within 30 days after public notice. If so, the hearing is held in accordance with R18-1-402. Accordingly, Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 187 business days (approximately 9 months) for substantive review.

(15) Maximum contaminant level or treatment technique requirement compliance extension approval. This license is identified at A.R.S. § 49-353(A) and A.A.C. R18-4-111(C). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-111(E)-(F) and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 32 business days (approximately 45 calendar days) for substantive review.

(16) Maximum contaminant level or treatment technique requirement compliance additional extension approval. This license is identified at A.R.S. § 49-353(A) and A.A.C. R18-4-111(C)(4). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-111(E)-(F) and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 42 business days (approximately 2 months) for substantive review.

(17) Safe drinking water requirement exclusion approval. This license is identified at A.R.S. § 49-353(A) and A.A.C. R18-4-112(A). This license is not subject to sanctions because the Department collects no fees from appli-

cants for their issuance. This is a Model E licenses because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-112(B) and require a Department-generated application form and site inspection. R18-4-112(C)(1) requires the Department to make a licensing decision within 90 days of application receipt. If the decision is an intent to deny, R18-4-112(C)(2) provides that the applicant has 30 days to submit additional information at which time a final licensing decision shall be made within 30 days of receiving the additional information. Based on these time-frames, Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 42 business days (approximately 2 months) for substantive review.

(18) Backflow-prevention assembly third-party certifying entity designation approval. This license is identified at A.R.S. § 49-353(A) and A.A.C. R18-4-115(D)(2). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E licenses because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-115 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 105 business days (approximately 5 months) for substantive review.

Group III: Safe drinking water treatment and monitoring plan licenses.

(19) Maximum contaminant level compliance blending plan approval (for 10 or fewer points-of-entry). This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-221(A). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E licenses because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-221 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 42 business days (approximately 2 months) for substantive review.

(20) Maximum contaminant level compliance blending plan approval (for more than 10 fewer points-of-entry). This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-221(A). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E licenses because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-221 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 84 business days (approximately 4 months) for substantive review.

(21) Maximum contaminant level compliance blending plan change approval (with 10 or fewer points-of-entry). This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-221(B). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E licenses because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-221 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 42 business days (approximately 2 months) for substantive review.

(22) Maximum contaminant level compliance blending plan change approval (with more than 10 points-of-entry). This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-221(B). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E licenses because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-221 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 84 business days (approximately 4 months) for substantive review.

(23) Maximum contaminant level compliance at subsequent downstream service connections monitoring plan approval. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-221(A)(2). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E licenses because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-221 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 125 business days (approximately 6 months) for substantive review.

(24) Point-of-entry treatment device monitoring plan approval. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-222(B)(1). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E licenses because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-

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222 and require a Department-generated application form and site inspection. Table 8 shows 15 business days (approximately 3 weeks) for administrative completeness review and 15 business days for substantive review.

(25) Point-of-entry treatment device design approval. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-222(B)(2). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-222 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 167 business days (approximately 8 months) for substantive review.

(26) Lead and copper source water treatment determination modification. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-313(N). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-313 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 167 business days (approximately 8 months) for substantive review.

(27) Lead and copper source water concentration determination modification. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-314(N) and is subject to time-frame requirements only if a water system is the applicant. This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-314 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 167 business days (approximately 8 months) for substantive review.

(28) Lead service line extent under system control determination. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-315(D). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-315 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 105 business days (approximately 5 months) for substantive review.

(29) Lead service line extent under system control rebuttable presumption determination. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-315(E). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-315 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 105 business days (approximately 5 months) for substantive review.

Group IV: Lead and copper corrosion control licenses.

(30) Lead and copper optimal corrosion control treatment approval. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-313(A). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-313 and require a Department-generated application form and site inspection. Table 8 shows 42 business days (approximately 2 months) for administrative completeness review and 502 business days (approximately 2 years) for substantive review.

(31) Large water system lead and copper corrosion control activities equivalency demonstration approval. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-306(B)(1). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-306 and require a Department-generated application form and site inspection. Table 8 shows 42 business days (approximately 2 months) for administrative completeness review and 502 business days (approximately 2 years) for substantive review.

(32) Small and medium water system lead and copper corrosion control activities equivalency demonstration approval. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-307(B)(2). This license is

not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-307 and require a Department-generated application form and site inspection. Table 8 shows 21 business days (approximately 1 month) for administrative completeness review and 502 business days (approximately 2 years) for substantive review.

(33) Lead and copper optimal corrosion treatment determination modification. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-313(N). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-313 and require a Department-generated application form and site inspection. Table 8 shows 42 business days (approximately 2 months) for administrative completeness review and 376 business days (approximately 18 months) for substantive review.

(34) Lead and copper water quality control parameters determination modification. This license is identified at A.R.S. § 49-353(A) and governed by A.A.C. R18-4-313(N). This license is not subject to sanctions because the Department collects no fees from applicants for their issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-4-313 and require a Department-generated application form and site inspection. Table 8 shows 42 business days (approximately 2 months) for administrative completeness review and 376 business days (approximately 18 months) for substantive review.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements for the reasons given below.

(1) Initial monitoring year designation. This license is identified at A.A.C. R18-4-101(44). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(2) Record keeping requirements. This license is identified at A.A.C. R18-4-103. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(3) Maximum contaminant level routine reporting. This license is identified at A.A.C. R18-4-104(A). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(4) Maximum contaminant level violation reporting. This license is identified at A.A.C. R18-4-104(B). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(5) Filtration reporting. This license is identified at A.A.C. R18-4-104(C). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(6) Disinfection reporting. This license is identified at A.A.C. R18-4-104(D). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(7) Lead and copper tap water reporting. This license is identified at A.A.C. R18-4-104(E). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(8) Lead and copper tap water monitoring R18-4-309(A)(1) sample pool failure justification. This license is identified at A.A.C. R18-4-104(E)(6). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(9) Lead and copper tap water monitoring R18-4-309(A)(2) sample pool failure justification. This license is identified at A.A.C. R18-4-104(E)(7). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(10) Lead and copper tap water monitoring R18-4-309(A)(4) site location failure justification. This license is identified at A.A.C. R18-4-104(E)(8). This is a Model B license because it is obtained through notification to the

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Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(11) Water quality parameter reporting. This license is identified at A.A.C. R18-4-104(F). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(12) Lead and copper source water reporting. This license is identified at A.A.C. R18-4-104(G). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(13) Lead and copper service line replacement reporting. This license is identified at A.A.C. R18-4-104(H). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(14) Initial lead service line materials evaluation demonstration. This license is identified at A.A.C. R18-4-104(H)(1). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(15) Initial lead service line replacement demonstration. This license is identified at A.A.C. R18-4-104(H)(2)(a). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(16) Lead service line concentration sampling demonstration. This license is identified at A.A.C. R18-4-104(H)(2)(b). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(17) Special monitoring reporting. This license is identified at A.A.C. R18-4-104(I). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(18) Cross connection incident reporting. This license is identified at A.A.C. R18-4-104(K). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(19) Emergency reporting. This license is identified at A.A.C. R18-4-104(L). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(20) Waterborne disease outbreak reporting. This license is identified at A.A.C. R18-4-104(M). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(21) Confirmation sample results reporting. This license is identified at A.A.C. R18-4-104(N). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(22) Public notice representative sample submittal. This license is identified at A.A.C. R18-4-104(O). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(23) Record and document copy submittal. This license is identified at A.A.C. R18-4-104(P). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(24) Completed analyses reporting. This license is identified at A.A.C. R18-4-104(Q). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(25) General public notification requirements. This license is identified at A.A.C. R18-4-105. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(26) Analytical methods requirements. This license is identified at A.A.C. R18-4-106. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(27) Alternative analytical method approval. This license is identified at A.A.C. R18-4-106(B). This license is administered by the department of health services as identified at R9-14-607(B). As a result, it is not included in this rule because it is not issued by the Department.

(28) Laboratory requirements. This license is identified at A.A.C. R18-4-107. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(29) Sample collection, preservation, and transportation requirements. This license is identified at A.A.C. R18-4-108. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(30) Sample collection, preservation, and transportation approval. This license is identified at A.A.C. R18-4-109. This license is administered by the department of health services. As a result, it is not included in this rule because it is not issued by the Department.

(31) Bottled water monitoring program approval. This license is identified at A.A.C. R18-4-110(K)(1). This license is not subject to Article 7.1 licensing time-frames requirements because it represents compliance activity within the context of an initial license already issued by the by the Department.

(32) Bottled water company approved source certification waiver. This license is identified at A.A.C. R18-4-110(K)(2). This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(33) Backflow prevention requirements. This license is identified at A.A.C. R18-4-115. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(34) Emergency operation plan requirements. This license is identified at A.A.C. R18-4-116. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(35) Sanitary survey requirement determination. This license is identified at A.A.C. R18-4-118(A). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(36) Sanitary survey professional engineer or sanitarian approval. This license is identified at A.A.C. R18-4-118(D). This license is not subject to Article 7.1 licensing time-frames requirements because it represents contractual activity exempted by A.R.S. § 41-1006(16).

(37) Additives requirements. This license is identified at A.A.C. R18-4-119. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(38) Vending machine requirements. This license is identified at A.A.C. R18-4-123. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(39) Operation and maintenance requirements. This license is identified at A.A.C. R18-4-124. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(40) Hauled water requirements. This license is identified at A.A.C. R18-4-125. This is a Model A license because it is obtained through mere compliance with the rule by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(41) Asbestos sampling data consistency determination. This license is identified at A.A.C. R18-4-207(G). This license is not subject to Article 7.1 licensing time-frames requirements because it is no longer applicable due to passage of time.

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(42) Man-made radioactivity monitoring frequency variance approval. This license is identified at A.A.C. R18-4-217(H)(4). This license is issued within other approvals and, therefore, not independently subject to Article 7.1 licensing time-frames requirements. In this case, it is issued within an 18 A.A.C. 4 Article 1 variance approval license.

(43) Man-made radioactivity monitoring frequency exemption approval. This license is identified at A.A.C. R18-4-217(H)(4). This license is issued within other approvals and, therefore, not independently subject to Article 7.1 licensing time-frames requirements. In this case, it is issued within an 18 A.A.C. 4 Article 1 variance approval license.

(44) Best available technology de minimis reduction assessment approval. This license is identified at A.A.C. R18-4-220(F). Issued within an Article 1 variance This license is issued within other approvals and, therefore, not independently subject to Article 7.1 licensing time-frames requirements. In this case, it is issued within an 18 A.A.C. 4 Article 1 variance approval license.

(45) Lead and copper corrosion control monitoring demonstration. This license is identified at A.A.C. R18-4-307(B)(2). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(46) Lead and copper corrosion control monitoring demonstration. This license is identified at A.A.C. R18-4-307(B)(3). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(47) Lead and copper corrosion control steps compliance submission. This license is identified at A.A.C. R18-4-307(C). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(48) Lead and copper inadequate number of Tier 1 sites materials survey explanation. This license is identified at A.A.C. R18-4-309(B)(2). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(49) Lead and copper inadequate number of sampling sites materials survey explanation. This license is identified at A.A.C. R18-4-309(B)(3). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(50) Small or medium system lead and copper optimal corrosion control treatment approval. This license is identified at A.A.C. R18-4-311(H). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(51) Small or medium system lead and copper optimal corrosion control treatment approval. This license is identified at A.A.C. R18-4-312(G). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(52) Large system lead and copper optimal corrosion control treatment approval. This license is identified at A.A.C. R18-4-312(G). This license is not subject to Article 7.1 licensing time-frames requirements because it is no longer applicable due to passage of time.

(53) Lead and copper water quality control parameters determination. This license is identified at A.A.C. R18-4-313(F). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(54) Lead and copper water quality parameter point-of-entry pH value designation. This license is identified at A.A.C. R18-4-313(F)(1). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(55) Lead and copper water quality parameter pH level requirement determination. This license is identified at A.A.C. R18-4-313(F)(2). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(56) Lead and copper corrosion inhibitor concentration determination. This license is identified at A.A.C. R18-4-313(F)(3). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(57) Lead and copper alkalinity concentration determination. This license is identified at A.A.C. R18-4-313(F)(4). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(58) Lead and copper calcium concentration determination. This license is identified at A.A.C. R18-4-313(F)(5). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(59) Lead and copper other water quality parameters determination. This license is identified at A.A.C. R18-4-313(F)(6). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(60) Lead and copper source water treatment approval. This license is identified at A.A.C. R18-4-314(E), R18-4-314(G). This license is issued within other approvals and, therefore, not independently subject to Article 7.1 licensing time-frames requirements. In this case, it is issued within an 18 A.A.C. 4 Article 5 approval to construct.

(61) Lead and copper source water treatment installation and operation approval. This license is identified at A.A.C. R18-4-314(J). This license is not subject to Article 7.1 licensing time-frames requirements because it is issued at the initiative of the Department and not in response to applications submitted by prospective licensees.

(62) Lead materials survey and annual replacement schedule compliance determination. This license is identified at A.A.C. R18-4-315(H)(1). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(63) Lead materials survey and annual replacement schedule compliance determination. This license is identified at A.A.C. R18-4-315(H)(2). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

(64) Lead public education compliance demonstration. This license is identified at A.A.C. R18-4-316(G). This is a Model B license because it is obtained through notification to the Department by the licensee. This means that this license is not subject to Article 7.1 licensing time-frames requirements because it is not issued by the Department.

9) Table 9: Water and Wastewater Facility Operator Licenses

The Department issues the following operator licenses which are subject to licensing time-frame requirements as part of the Department's implementation of the state's safe drinking water program and wastewater collection and treatment program in accordance with A.R.S. §§ 49-352 and 49-361 and administered by the Department's Water Protection Approvals and Permits Section of the Water Quality Division. The following numbered license categories appear on Table 9 with the same corresponding numbers shown here in parentheses. The arrangement of Table 9 is presented as follows.

Group I: Drinking water operator licenses.

Drinking water treatment or distribution facility operator new certification (1).

Drinking water treatment or distribution facility operator renewal certification (2).

Drinking water treatment or distribution facility operator reciprocity certification (3).

Drinking water treatment or distribution facility operator certification without examination (4).

Group II: Wastewater operator licenses.

Wastewater treatment or collection facility operator new certification (6).

Wastewater treatment or collection facility operator renewal certification (7).

Wastewater treatment or collection system operator reciprocity certification (8).

Wastewater treatment or collection system operator certification without examination (9).

Group I: Drinking water operator licenses.

(1) Drinking water treatment or distribution facility operator new certification. This license is authorized and identified at A.R.S. § 49-352 and A.A.C. R18-5-105. This license is not subject to sanctions because fees charged for application review are deposited in the state general fund. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-101 through R18-5-115 and require a Department-generated application form, the availability of test space and an initial fee. Application review fees are identified at R18-5-113. Table 9 shows this license with 105

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business days (approximately 5 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame. Department experience is that substantive review usually takes only a few days of Department time. Substantive review, however, requires evaluation of a written examination, an application component. Examinations are held 4 times a year with the application deadline set on the 1st day of the month prior to each application. In each examination month, examination sessions are repeated on 3 successive Saturdays with applicants having the choice of which Saturday they will attend. Once the examination is taken, a Department licensing decision usually occurs within 1 week. This means that total application review time will vary depending upon when in the examination cycle the application is received. The time shown for the administrative completeness review time-frame takes this into account.

(2) Drinking water treatment or distribution facility operator renewal certification. This license is authorized and identified at A.R.S. § 49-352 and A.A.C. R18-5-107 and R18-5-108(D). This license is not subject to sanctions because fees charged for application review are deposited in the state general fund. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-101 through R18-5-115 and require a Department-generated application form and an initial fee. Application review fees are identified at R18-5-113. Table 9 shows this license with 42 business days (approximately 2 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame.

(3) Drinking water treatment or distribution facility operator reciprocity certification. This license is authorized and identified at A.R.S. § 49-352 and A.A.C. R18-5-110(A). This license is not subject to sanctions because fees charged for application review are deposited in the state general fund. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-101 through R18-5-115 and require a Department-generated application form and an initial fee. Application review fees are identified at R18-5-113. Table 9 shows this license category with 42 business days (approximately 2 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame.

(4) Drinking water treatment or distribution facility operator certification without examination. This license is authorized and identified at A.R.S. § 49-352 and A.A.C. R18-5-111. This license is not subject to sanctions because fees charged for application review are deposited in the state general fund. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-101 through R18-5-115 and require a Department-generated application form and an initial fee. Application review fees are identified at R18-5-113. Table 9 shows this license with 42 business days (approximately 2 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame.

Group II: Wastewater operator licenses.

(5) Wastewater treatment or collection facility operator new certification. This license is authorized and identified at A.R.S. § 49-361 and A.A.C. R18-5-105. This license is not subject to sanctions because fees charged for application review are deposited in the state general fund. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-101 through R18-5-115 and require a Department-generated application form, the availability of test space and an initial fee. Application review fees are identified at R18-5-113. Table 9 shows this license with 105 business days (approximately 5 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame. Department experience is that substantive review usually takes only a few days of Department time. Substantive review, however, requires evaluation of a written examination, an application component. Examinations are held 4 times a year with the application deadline set on the 1st day of the month prior to each application. In each examination month, examination sessions are repeated on 3 successive Saturdays with applicants having the choice of which Saturday they will attend. Once the examination is taken, a Department licensing decision usually occurs within 1 week. This means that total application review time will vary depending upon when in the examination cycle the application is received. The time shown for the administrative completeness review time-frame takes this into account.

(6) Wastewater treatment or collection facility operator renewal certification. This license is authorized and identified at A.R.S. § 49-361 and A.A.C. R18-5-107 and R18-5-108(D). This license is not subject to sanctions because fees charged for application review are deposited in the state general fund. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-101 through R18-5-115 and require a Department-generated application form and an initial fee. Application review fees are identified at R18-5-113. Table 9 shows this license with 42 business days (approximately 2 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame.

ness days (approximately 2 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame.

(7) Wastewater treatment or collection system operator reciprocity certification. This license is authorized and identified at A.R.S. § 49-361 and A.A.C. R18-5-110(A). This license is not subject to sanctions because fees charged for application review are deposited in the state general fund. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-101 through R18-5-115 and require a Department-generated application form and an initial fee. Application review fees are identified at R18-5-113. Table 9 shows this license with 42 business days (approximately 2 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame.

(8) Wastewater treatment or collection system operator certification without examination. This license is authorized and identified at A.R.S. § 49-361 and A.A.C. R18-5-111. This license is not subject to sanctions because fees charged for application review are deposited in the state general fund. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-5-101 through R18-5-115 and require a Department-generated application form and an initial fee. Application review fees are identified at R18-5-113. Table 9 shows this license with 42 business days (approximately 2 months) for the administrative completeness review time-frame and 10 business days (approximately 2 weeks) for the substantive review time-frame.

10) Table 10: Water Quality Licenses

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the Department's implementation of the state's water quality standards (WQS) and aquifer protection program (APP) in accordance with A.R.S. §§ 49-221 through 49-265 and administered by the Department's Water Permits Section of the Water Quality Division. The following numbered license categories appear on Table 10 with the same corresponding numbers shown here in parentheses. The license categories are divided 1st into 5 groups representing the major permit classifications identified in R18-14-101 through R18-14-108; second, into the new, major modification, and other modification categories also identified in R18-14-101 through R18-14-108; third, into applications requiring or not requiring a public hearing; and fourth, into standard and complex categories. The resulting arrangement of license categories on Table 10 is as follows:

Group I: Wastewater treatment facility individual aquifer protection (AP) licenses.

Standard wastewater treatment facility AP new permit without/with a public hearing (1-2).

Complex wastewater treatment facility AP new permit without/with a public hearing (3-4).

Standard wastewater treatment facility AP major modification permit without/with a public hearing (5-6).

Complex wastewater treatment facility AP major modification permit without/with a public hearing (7-8).

Standard/complex wastewater treatment facility AP other modification permit (9-10).

Wastewater treatment facility AP permit transfer approval (11).

Wastewater treatment facility AP closure plan approval (12).

Standard/complex wastewater treatment facility AP post-closure plan approval (13-14).

Wastewater treatment facility AP voluntary environmental mitigation use restriction (VEMUR) approval (15).

Wastewater treatment facility AP VEMUR cancellation approval (16).

Group II: Wastewater treatment facility (with recharge component) individual aquifer protection (AP) licenses.

Standard wastewater treatment facility (with recharge component) AP new permit without/with a public hearing (17-18).

Complex wastewater treatment facility (with recharge component) AP new permit without/with a public hearing (19-20).

Standard wastewater treatment facility (with recharge component) AP major modification permit without/with a public hearing (21-22).

Complex wastewater treatment facility (with recharge component) AP major modification permit without/with a public hearing (23-24).

Standard/complex wastewater treatment facility (with recharge component) AP other modification permit (25-26).

Group III: Small BADCT wastewater treatment facility (with designs less than 250,000 gpd) individual discharging aquifer protection (AP) licenses.

Standard small BADCT wastewater treatment facility AP new permit without/with a public hearing (27-28).

Complex small BADCT wastewater treatment facility AP new permit without/with a public hearing (29-30).

Standard small BADCT wastewater treatment facility AP major modification permit without/with a public hearing (31-32).

Complex small BADCT wastewater treatment facility AP major modification permit without/with a public hearing

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(33-34).

Standard/complex small BADCT wastewater treatment facility AP other modification permit (35-36).

Small BADCT wastewater treatment facility AP permit transfer approval (37).

Small BADCT wastewater treatment facility AP closure plan approval (38).

Standard/complex small BADCT wastewater treatment facility AP post-closure plan approval (39-40).

Small BADCT wastewater treatment facility AP VEMUR approval (41).

Small BADCT wastewater treatment facility AP VEMUR cancellation approval (42).

Group IV: Industrial facility individual discharging aquifer protection (AP) licenses.

Standard industrial facility AP new permit without/with a public hearing (43-44).

Complex industrial facility AP new permit without/with a public hearing (45-46).

Standard industrial facility AP major modification permit without/with a public hearing (47-48).

Complex industrial facility AP major modification permit without/with a public hearing (49-50).

Standard/complex industrial facility AP other modification permit (51-52).

Industrial facility AP permit transfer approval (53).

Industrial facility AP closure plan approval (54).

Standard/complex industrial facility AP post-closure plan approval (55-56).

Industrial facility AP VEMUR approval (57).

Industrial facility AP VEMUR cancellation approval (58).

Group V: Mine facility individual discharging aquifer protection (AP) licenses.

Standard mine facility AP new permit without/with a public hearing (59-60).

Complex mine facility AP new permit without/with a public hearing (61-62).

Standard mine facility AP major modification permit without/with a public hearing (63-64).

Complex mine facility AP major modification permit without/with a public hearing (65-66).

Standard/complex mine facility AP other modification permit (67-68).

Mine facility AP permit transfer approval (69).

Mine facility AP closure plan approval (70).

Standard/complex mine facility AP post-closure plan approval (71-72).

Mine facility AP VEMUR approval (73).

Mine facility AP VEMUR cancellation approval (74).

Group VI: Other discharging facility individual discharging aquifer protection (AP) licenses.

Standard other discharging facility AP new permit without/with a public hearing (75-76).

Complex other discharging facility AP new permit without/with a public hearing (77-78).

Standard other discharging facility AP major modification permit without/with a public hearing (79-80).

Complex other discharging facility AP major modification permit without/with a public hearing (81-82).

Standard/complex other discharging facility AP other modification permit (83-84).

Other discharging facility AP permit transfer approval (85).

Other discharging facility AP closure plan approval (86).

Standard/complex other discharging facility AP post-closure plan approval (87-88).

Other discharging facility AP VEMUR approval (89).

Other discharging facility AP VEMUR cancellation approval (90).

Group VII: Reclaimed wastewater reuse licenses.

Standard reclaimed wastewater reuse new permit without/with a public hearing (91-92).

Complex reclaimed wastewater reuse new permit without/with a public hearing (93-94).

Standard reclaimed wastewater reuse major modification permit without/with a public hearing (95-96).

Complex reclaimed wastewater reuse major modification permit without/with a public hearing (97-98).

Standard/complex reclaimed wastewater reuse other modification permit (99-100).

Reclaimed wastewater reuse permit transfer approval (101).

Group VIII: Noneffluent groundwater recharge licenses.

Standard/complex noneffluent groundwater recharge approval (102-103).

Noneffluent groundwater recharge pilot project time extension approval (104).

Group IX: Facility registration licenses.

Dry well registration (105).

Significant industrial user registration (106).

Group X: Pesticide contamination prevention licenses.

New pesticide approval (107).

Active ingredient or pesticide criticality determination (108).

Pesticide addition to or deletion from groundwater protection list approval (109).

Although appearing complicated, this structure follows that of the statute and rules as well as Department experience and staffing allocation. Further, this structure responds directly to the requirement at A.R.S. § 41-1073(C) that an agency shall consider certain factors when adopting time-frames including the complexity of the licensing subject matter (reflected in the “standard/complex” category differentiation), agency resources (reflected in setting time-frames responsive to current and expected Department resource levels), and the economic impact of delay on the regulated community (reflected in splitting categories into “standard/complex” and “with/without a public hearing” with differing times so as not to submit all applicants to the longest reasonably required time-frame necessary to review the more complicated applications).

The Department anticipates that AP permit applications will be accepted in the 1st instance as falling within a standard category with no public hearing. The Department would then transfer the application to other categories later as appropriate using its authority under draft rule R18-1-516 to make such transfers. If a decision is made to hold a public hearing, the decision to do so would transfer the application to the corresponding category providing for a public hearing. In addition, at any time during the review process, the Department may transfer the application from a standard to its corresponding complex category if it determines that substituted application components or public comment presents complex, novel or highly technical issues requiring additional review time.

The standard categories identified below all reflect the review times now in rule converted to business days. In each case, the categories are divided to provide review times either with or without a public hearing when either result is a possibility under the application category. Further, a corresponding complex category is identified for each standard category in turn. Department experience is that not all AP applications result in a request to hold a public hearing. Setting a single time in rule for all applications would require that the time-frames always anticipate a public hearing, meaning longer times for all applicants. The spirit of Article 7.1 strongly suggests that a shorter time be set for applicants not required to have a hearing. This especially makes sense here because current review times in rule for these licenses already provide shorter periods if a hearing is not held. Department experience concerning complex applications is that not applications impose the same demand on Department resources. Some applications require several times the Department's resources as do others. For example, some wastewater APP applications may contain licensing requests for 2 or 3 discharges rather than just one; a mine APP application may have 20 permitable discharges.

Applications in process at the time this rule goes into effect will not be subject to Article 7.1 licensing time-frames in accordance with R18-1-502(A)(12). Existing sources subject to the APP program were split into several groups with each group being “called” each year to submit applications. The last “call” is scheduled for calendar year 1999 with about 40 sources subject to the call. The Department is considering subjecting the 1999 call to this rule because the rule is expected to go into effect on January 1, 1999. An alternative approach would be to exclude them under the “compliance activity by licensees” exclusion at R18-1-502(B)(9). In addition, the Department expects to offer opt-in agreements in accordance with R18-1-513 for applications still in process as of that date. Department experience has been that applications for these existing sources usually take more time than applications for new sources. For these reasons, the Department is considering establishing a separate group of AP licenses only for the 1999 call plus opt-ins. If so, the Department believes the time-frames for this group should be set to match the times set for the “complex” categories below. The Department solicits comment on all aspects of this approach.

Group I: Wastewater treatment facility individual discharging aquifer protection (AP) licenses. These AP licenses are described as a separate group because the Department reviews them within the APP wastewater unit and this group of licenses is described separately at R18-14-101 through R18-14-108. Department experience with wastewater AP licenses for the last fiscal year (1996-97) is that it reached licensing decisions on 33 applications with 131 applications pending at the end of the year. This includes with and without recharge components and small best available demonstrated technology (BADCT) facility (Groups I, II and III) wastewater AP licenses.

(1) Standard wastewater treatment facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. No application review times are specified in statute but certain review times are in rule at R18-9-107: 30 calendar days for administrative completeness, an additional 20 calendar days of administrative completeness if the Department issues a notice that the application is incomplete, 90 calendar days after administrative completeness to issue a proposed permit or denial with time suspended if the Department issues a notice of technical deficiencies, 30 calendar days after the decision to publish public notice of the decision, 30 additional calendar days for a public comment period, 45 calendar days after

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publication to decide whether to hold a public hearing and, if no hearing is held, 30 calendar days after the close of the comment period to make a final licensing decision, except that the Department may extend the period an additional 90 calendar days if it determines that additional information is needed to make the decision. Absent suspensions, this represents 50 calendar days for administrative completeness and 270 calendar days for substantive review. This converts to 35 business days for administrative completeness review and 186 business days for substantive review. These times appear as the Article 7.1 time-frames in Table 10.

(2) Standard wastewater treatment facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Certain review times are in rule at R18-9-107: Same times as the preceding license except that if the Department decides to hold a public hearing, 75 calendar days after publication to begin the hearing, 7 calendar days after the close of the hearing to close the hearing record, 45 calendar days after the close of the hearing record to make a final licensing decision, except that the Department may extend the period an additional 90 calendar days if it determines that additional information is needed to make the decision. Absent suspensions, this represents 50 calendar days for administrative completeness and 270 calendar days for substantive review. This converts to 35 business days for administrative completeness review and 232 business days for substantive review if the public hearing lasts only 1 day. These times appear as the Article 7.1 time-frames in Table 10.

(3) Complex wastewater treatment facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. In addition to the times described in the standard category of this license (category 1 above), a complex application may take an additional 2 months of Department resources to determine a proposed permit and may take an additional 1 month to respond to public comments. These additional 3 months convert to 63 business days. This increases the Article 7.1 time-frames shown on Table 10 to 35 business days for administrative completeness review and 249 business days for substantive review.

(4) Complex wastewater treatment facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. In addition to the times described in the standard category of this license (category 2 above), a complex application may take an additional 1 month to hold the hearing if adjournments are required and an additional 2 months to respond to public comments. These additional 3 months convert to 63 business days. This increases the Article 7.1 time-frames shown on Table 10 to 35 business days for administrative completeness review and 295 business days for substantive review.

(5) Standard wastewater treatment facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 1 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(6) Standard wastewater treatment facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those

fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit are required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 2 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(7) Complex wastewater treatment facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 3 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(8) Complex wastewater treatment facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 4 above, Table 10 shows 37 business days for administrative completeness review and 295 business days for substantive review.

(9) Standard wastewater treatment facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 1 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(10) Complex wastewater treatment facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 3 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(11) Wastewater treatment facility AP permit transfer approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. The fee is identified at R18-14-101 through R18-14-108. No application review times are specified in statute or rule. Table 10 shows administrative completeness review as 21 business days (approximately 1 month) and substantive review as 32 business days (approximately 45 calendar days).

(12) Wastewater treatment facility AP closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is iden-

tified at R18-14-101 through R18-14-108. Certain application review times are specified in rule. The Department must approve or reject a closure plan within 60 calendar days after receipt of a complete application submission. No administrative completeness review is identified. Table 10 shows administrative completeness review as 21 business days (approximately 1 month) and substantive review as 41 business days (approximately 60 calendar days).

(13) Standard wastewater treatment facility AP post-closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Certain application review times are specified in rule. The Department must approve or reject a post-closure plan within 60 calendar days after receipt of a complete application submission. No administrative completeness review is identified. Table 10 shows administrative completeness review as 21 business days (approximately 1 month) and substantive review as 41 business days (approximately 60 calendar days).

(14) Complex wastewater treatment facility AP post-closure plan approval. Table 10 shows this category based on category 13 above with substantive review increased from 41 business days to 125 business days. This represents approximately 6 months for the substantive review time-frame.

(15) Wastewater treatment facility AP voluntary environmental mitigation use restriction (VEMUR) approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form. No application review times are specified in statute or rule. A.R.S. § 49-152(C)(2) does require that the Department make a licensing decision on VEMUR cancellation request within 60 calendar days. That same time is used here but increased to 62 business days (approximately 3 months) to include activities not required in a cancellation request such as review of zoning. Table 10 shows these 62 business days divided between the administrative completeness review time-frame (15 business days or approximately 3 weeks) and the substantive review time-frame (the remainder).

(16) Wastewater treatment facility AP VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in at R18-7-207 and require a Department-generated application for. A.R.S. § 49-152(C)(2) requires the Department to make a licensing decision within 60 calendar days after the date of application. No other review times are specified. The 60 calendar days converts to approximately 42 business days. Table 10 shows these 42 business days divided into 15 business days for the administrative completeness review time-frame (approximately 3 weeks) and 27 business days for the substantive review time-frame (the remainder).

Group II: Wastewater treatment facility (with recharge component) individual aquifer protection (AP) licenses.

(17) Standard wastewater treatment facility (with recharge component) AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 1 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(18) Standard wastewater treatment facility (with recharge component) AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-

14-101 through R18-14-108. Following the analysis and discussion under license category 2 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(19) Complex wastewater treatment facility (with recharge component) AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 3 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(20) Complex wastewater treatment facility (with recharge component) AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 4 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(21) Standard wastewater treatment facility (with recharge component) AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 5 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(22) Standard wastewater treatment facility (with recharge component) AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 6 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(23) Complex wastewater treatment facility (with recharge component) AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 7 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(24) Complex wastewater treatment facility (with recharge component) AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 8 above,

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Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(25) Standard wastewater treatment facility (with recharge component) AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 9 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(26) Complex wastewater treatment facility (with recharge component) AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 10 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

Group III: Small BADCT wastewater treatment facility (with designs less than 250,000 gpd) individual discharging aquifer protection (AP) licenses. The Department offers these categories with reduced review time for small wastewater treatment facilities with designs less than 250,000 gpd based on best available demonstrated control technology (BADCT).

(27) Standard small BADCT wastewater treatment facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 1 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 145 business days for substantive review.

(28) Standard small BADCT wastewater treatment facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 2 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 191 business days for substantive review.

(29) Complex small BADCT wastewater treatment facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 3 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 208 business days for substantive review.

(30) Complex small BADCT wastewater treatment facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 4 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 254 business days for substantive review.

(31) Standard small BADCT wastewater treatment facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 5 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 145 business days for substantive review.

(32) Standard small BADCT wastewater treatment facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 6 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 191 business days for substantive review.

(33) Complex small BADCT wastewater treatment facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 7 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 208 business days for substantive review.

(34) Complex small BADCT wastewater treatment facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 8 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 254 business days for substantive review.

(35) Standard small BADCT wastewater treatment facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This

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license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 9 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 145 business days for substantive review.

(36) Complex small BADCT wastewater treatment facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 10 above and taking into account that the Department requires 60 less calendar days (41 less business days) to complete the substantive review on the small facilities, Table 10 shows 35 business days for administrative completeness review and 208 business days for substantive review.

(37) Small BADCT wastewater treatment facility AP permit transfer approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. Following the analysis and discussion under license category 11 above, Table 10 shows 21 business days for administrative completeness review and 32 business days for substantive review.

(38) Small BADCT wastewater treatment facility AP closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 12 above, Table 10 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(39) Standard small BADCT wastewater treatment facility AP post-closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 13 above, Table 10 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(40) Complex small BADCT wastewater treatment facility AP post-closure plan approval. Table 10 shows this category with substantive review increased from 41 business days to 125 business days. This represents approximately 6 months for the substantive review time-frame.

(41) Small BADCT wastewater treatment facility AP VEMUR approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under license category 15 above, Table 10 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(42) Small BADCT wastewater treatment facility AP VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by R18-7-207. This license is not subject to sanctions because the

Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required. Application components are identified at R18-7-206(B) and require a Department-generated application form. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 16 above, Table 10 shows 15 business days for administrative completeness review and 27 business days for substantive review.

Group IV: Industrial facility individual discharging aquifer protection (AP) licenses. These AP licenses are described as a separate group because the Department reviews them within the APP industrial unit and this group of licenses is described separately at A.A.C. R18-14-101 through R18-14-108. Discussion of the AP licenses listed under Group I (wastewater treatment facility individual discharging aquifer protection licenses) above applies here as well. Department experience with industrial AP licenses for the last fiscal year (1996-97) is that it reached licensing decisions on 21 applications with 106 applications pending at the end of the year.

(43) Standard industrial facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 1 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(44) Standard industrial facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 2 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(45) Complex industrial facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 3 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(46) Complex industrial facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 4 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(47) Standard industrial facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 5 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

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(48) Standard industrial facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 6 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(49) Complex industrial facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 7 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(50) Complex industrial facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 8 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(51) Standard industrial facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 9 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(52) Complex industrial facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 10 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(53) Industrial facility AP permit transfer approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. Following the analysis and discussion under license category 11 above, Table 10 shows 21 business days for administrative completeness review and 32 business days for substantive review.

(54) Industrial facility AP closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the

application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 12 above, Table 10 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(55) Standard industrial facility AP post-closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 13 above, Table 10 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(56) Complex industrial facility AP post-closure plan approval. Table 10 shows this category with substantive review increased from 41 business days to 125 business days. This represents approximately 6 months for the substantive review time-frame.

(57) Industrial facility AP voluntary environmental mitigation use restriction (VEMUR) request approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department collects fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under license category 15 above, Table 10 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(58) Industrial facility AP VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under license category 16 above, Table 10 shows 15 business days for administrative completeness review and 27 business days for substantive review.

Group V: Mine facility individual discharging aquifer protection (AP) licenses. These AP licenses are described as a separate group because the Department reviews them within the APP wastewater unit and this group of licenses is described separately at A.A.C. R18-9-101 through R18-9-108. Discussion of the AP licenses listed under Group I (wastewater treatment facility individual discharging aquifer protection licenses) above applies here as well. Department experience with mine AP licenses for the last fiscal year (1996-97) is that it reached licensing decisions on 9 applications with 38 applications pending at the end of the year.

(59) Standard mine facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 1 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(60) Standard mine facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 2 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(61) Complex mine facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to

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sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 3 above, Table 10 shows 37 business days for administrative completeness review and 249 business days for substantive review.

(62) Complex mine facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 4 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(63) Standard mine facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 5 above, Table 5 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(64) Standard mine facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 6 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(65) Complex mine facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 7 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(66) Complex mine facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 8 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(67) Standard mine facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform

application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 9 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(68) Complex mine facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 10 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(69) Mine facility AP permit transfer approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. Following the analysis and discussion under license category 11 above, Table 10 shows 21 business days for administrative completeness review and 32 business days for substantive review.

(70) Mine facility AP closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 12 above, Table 10 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(71) Standard mine facility AP post-closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 13 above, Table 10 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(72) Complex mine facility AP post-closure plan approval. Table 10 shows this category with substantive review increased from 41 business days to 125 business days. This represents approximately 6 months for the substantive review time-frame.

(73) Mine facility AP voluntary environmental mitigation use restriction (VEMUR) approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under license category 15 above, Table 10 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(74) Mine facility AP VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under license category 16 above, Table 10 shows 15 business days for administrative completeness review and 27 business days for substantive review.

Group VI: Other discharging facility individual discharging AP licenses. These AP licenses are described as a separate group because this group of licenses is described separately at A.A.C. R18-14-101 through R18-14-108. Dis-

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cussion of the AP licenses listed under Group I (wastewater treatment facility individual discharging aquifer protection (AP) licenses) above applies here as well.

(75) Standard other discharging facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 1 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(76) Standard other discharging facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 2 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(77) Complex other discharging facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 3 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(78) Complex other discharging facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 4 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(79) Standard other discharging facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 5 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(80) Standard other discharging facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 6 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(81) Complex other discharging facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 7 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(82) Complex other discharging facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 8 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(83) Standard other discharging facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 9 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(84) Complex other discharging facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 10 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(85) Other discharging facility AP permit transfer approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. Following the analysis and discussion under license category 11 above, Table 10 shows 21 business days for administrative completeness review and 32 business days for substantive review.

(86) Other discharging facility AP closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 12 above, Table 10 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(87) Standard other discharging facility AP post-closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application compo-

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nents are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 13 above, Table 10 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(88) Complex other discharging facility AP post-closure plan approval. Table 10 shows this category with substantive review increased from 41 business days to 125 business days. This represents approximately 6 months for the substantive review time-frame.

(89) Other discharging facility AP voluntary environmental mitigation use restriction (VEMUR) approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required. Application components are identified in statute at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under license category 15 above, Table 10 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(90) Other discharging facility AP VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under license category 16 above, Table 10 shows 15 business days for administrative completeness review and 27 business days for substantive review.

Group VII: Reclaimed wastewater reuse licenses. These wastewater reuse licenses are described as a separate group because this group of licenses is described separately at A.A.C. R18-9-701 through R18-9-707. Discussion of the AP licenses listed under Group I (wastewater treatment facility individual discharging aquifer protection licenses) above applies here as well.

(91) Standard reclaimed wastewater reuse new permit with no public hearing. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 1 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(92) Standard reclaimed wastewater reuse new permit with a public hearing. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 2 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(93) Complex reclaimed wastewater reuse new permit with no public hearing. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 3 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(94) Complex reclaimed wastewater reuse new permit with a public hearing. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive

review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 4 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(95) Standard reclaimed wastewater reuse major modification permit with no public hearing. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 5 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(96) Standard reclaimed wastewater reuse major modification permit with a public hearing. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 6 above, Table 10 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(97) Complex reclaimed wastewater reuse major modification permit with no public hearing. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 7 above, Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(98) Complex reclaimed wastewater reuse major modification permit with a public hearing. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 8 above, Table 10 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(99) Standard reclaimed wastewater reuse other modification permit. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 9 above, Table 10 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(100) Complex reclaimed wastewater reuse other modification permit. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-705 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under license category 10 above,

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Table 10 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(101) Reclaimed wastewater reuse permit transfer approval. This license is authorized and required by A.R.S. § 49-250(B) and governed by A.A.C. R18-9-701 through R18-9-707. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. Following the analysis and discussion under license category 11 above, Table 10 shows 21 business days for administrative completeness review and 32 business days for substantive review.

Group VIII: Noneffluent groundwater recharge licenses.

(102) Standard noneffluent groundwater recharge approval. This license is authorized and required by A.R.S. § 45-811.01(C)(5). This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 45-811.01(C)(5). Table 10 shows 35 business days for administrative completeness review and 70 business days for substantive review.

(103) Complex noneffluent groundwater recharge approval. This license is authorized and required by A.R.S. § 45-811.01(C)(5). This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 45-811.01(C)(5). Table 10 shows 35 business days for administrative completeness review and 112 business days for substantive review.

(104) Noneffluent groundwater recharge pilot project time extension approval. This license is authorized and required by A.R.S. § 49-241 and governed by A.A.C. R18-9-127(B). This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-9-127(B). Table 10 shows 10 business days for administrative completeness review and 10 business days for substantive review.

Group IX: Facility registration licenses.

(105) Dry well registration. This license is authorized and required by A.R.S. § 49-332. This license is not subject to sanctions because the Department does not conduct substantive review of applications. This is a Model C license because application components are uniform and the Department does not conduct substantive review of the application components. Application components include a Department-generated application form and an initial fee. The fee is identified at A.A.C. R18-14-103(B)(1). Table 10 shows 21 business days (approximately 1 month) for administrative completeness review and 0 business days for substantive review.

(106) Significant industrial user registration. This license is authorized and required by A.R.S. § 49-209. This license is not subject to sanctions because the Department does not conduct substantive review of applications. This is a Model C license because application components are uniform and the Department does not conduct substantive review of the application components. Application components include a Department-generated application form and an initial fee. The fee is identified at A.A.C. R18-14-103(B)(2). Table 10 shows 21 business days (approximately 1 month) for administrative completeness review and 0 business days for substantive review.

Group X: Pesticide contamination prevention licenses.

(107) New pesticide approval. This license is authorized and required by A.R.S. § 49-302(F) and governed by A.A.C. R18-6-102(B). This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-6-102 and R18-6-106. Table 10 shows 62 business days (approximately 3 months) for administrative completeness review and 124 business days (approximately 6 months) for substantive review.

(108) Active ingredient or pesticide criticality determination. This license is authorized and required by A.R.S. § 49-302(F) and governed by A.A.C. R18-6-102(B). This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identi-

fied at R18-6-102. Table 10 shows 21 business days (approximately 1 month) for administrative completeness review and 41 business days (approximately 2 months) for substantive review.

(109) Pesticide addition to or deletion from groundwater protection list approval. This license is authorized and required by A.R.S. § 49-305(A) and governed by A.A.C. R18-6-105(D). This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-6-105. Table 10 shows 21 business days (approximately 1 month) for administrative completeness review and 41 business days (approximately 2 months) for substantive review.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements for the reasons given below.

(1) AP permit applicability determination. This determination is authorized at A.R.S. § 49-241 through 49-251 and governed by A.A.C. R18-9-106. This determination is not subject to time-frame requirements because it may not actually involve the Department issuing a license to a prospective licensee. A determination by itself that an applicant, in fact, requires or does not require an AP permit probably will not change the applicant's essential rights, duties and privileges under Arizona law.

(2) Transfer of owner or operator of a facility notice. This notice is required under A.A.C. R18-9-103(F). This license is a model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

(3) Temporary cessation notice. This notice is required under A.A.C. R18-9-104(A). This license is a model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

(4) Intent to cease operations notice. This notice is required under A.A.C. R18-9-104(C). This license is a model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

11) Table 11: Surface Water Licenses

The Department issues the following licenses which are subject to licensing time-frame requirements as part of the state's surface water quality program in accordance with A.R.S. § 49-202 and administered by the Department's Surface Water Quality Section of the Water Quality Division. Licensing under these categories is subject to time-frame requirements. The numbered license categories appear on Table 11 with the same corresponding numbers in parentheses. The arrangement of licenses categories on Table 11 is as follows:

Clean Water Act (CWA) § 401 certification licenses.

CWA § 401 state certification of a proposed CWA § 402 NPDES permit (1).

CWA § 401 state certification of a proposed CWA § 404 permit (2).

CWA § 401 state certification of a proposed nonpoint source activity for a federal permit (3).

(1) CWA § 401 state certification of a proposed CWA § 402 NPDES permit. This license is authorized and required by A.R.S. § 49-202. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-202 and require a Department-generated application form, public notice of the underlying proposed permit, and a U.S. Army Corp of Engineers notice of proposed decision. Table 11 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 42 business days (approximately 2 months) for the substantive review time-frame.

(2) CWA § 401 state certification of a proposed CWA § 404 permit. This license is authorized and required by A.R.S. § 49-202. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-202 and 33 U.S.C. § 1341(a) and require a Department-generated application form, public notice of the underlying proposed permit, and a U.S. Army Corp of Engineers notice of proposed decision. Table 11 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 209 business days (approximately 2 months) for the substantive review time-frame.

(3) CWA § 401 state certification of a proposed nonpoint source activity for a federal permit. This license is authorized and required by A.R.S. § 49-202. This license is not subject to sanctions because the Department does not

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collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-202 and require a Department-generated application form. Table 11 shows 5 business days for the administrative completeness review time-frame and 32 business days (approximately 45 calendar days) for the substantive review time-frame.

12) Table 12: Solid Waste Licenses

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the state's solid waste management program in accordance with A.R.S. §§ 49-701 through 49-881 and administered by the Department's Solid Waste Section of the Waste Programs Division. The following numbered license categories appear on Table 12 with the same corresponding numbers in parentheses. The arrangement of licenses categories on Table 12 is as follows.

Group I: Solid waste variance licenses.

Rule or standard variance request approval (1).

Group II: Land application of biosolids licenses.

Biosolid applicator registration request acknowledgment (2).

Group III: Nonlandfill solid waste facility individual discharging aquifer protection (AP) licenses.

Standard nonlandfill solid waste discharging facility AP new permit without/with a public hearing (3-4).

Complex nonlandfill solid waste discharging facility AP new permit without/with a public hearing (5-6).

Standard nonlandfill solid waste discharging facility AP major modification permit without/with a public hearing (7-8).

Complex nonlandfill solid waste discharging facility AP major modification permit without/with a public hearing (9-10).

Standard nonlandfill solid waste discharging facility AP other modification permit (11).

Complex nonlandfill solid waste discharging facility AP other modification permit (12).

Nonlandfill solid waste discharging facility AP permit transfer approval (13).

Nonlandfill solid waste discharging facility AP closure plan approval (14).

Standard/complex nonlandfill solid waste discharging facility AP post-closure plan approval (15-16).

Nonlandfill solid waste voluntary environmental mitigation use restriction (VEMUR) approval (17).

Nonlandfill solid waste VEMUR cancellation approval (18).

Group I: Solid waste variance licenses.

(1) Rule or standard variance request approval. This license is authorized and required by A.R.S. §§ 49-763.01. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified under A.R.S. § 49-763.01 and require a Department-generated application form. The application review time is identified in statute as 90 calendar days. Table 12 converts this to 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

Group II. Land application of biosolids licenses.

(2) Biosolid applicator registration request acknowledgment. This license is governed by A.A.C. R18-13-1504(A). This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model C license because substantive review of application components is not required and a public hearing is not required. Application components are identified in rule at R18-13-1504(C) and require a Department-generated application form. The application review time is identified at R18-12-1504(E) as 15 business days. Table 12 shows this as 15 business days for administrative completeness review and 0 business days for substantive review.

Group III: Nonlandfill solid waste facility individual discharging aquifer protection (AP) licenses. These AP licenses are described here as a separate group from those in Table 10 above because they are administered by the solid waste program. Discussion of the AP licenses listed under Group I (wastewater facilities) in Table 10 above, however, applies here as well.

(3) Standard nonlandfill solid waste discharging facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license

because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 1 above, Table 12 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(4) Standard nonlandfill solid waste discharging facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 2 above, Table 12 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(5) Complex nonlandfill solid waste discharging facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 3 above, Table 12 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(6) Complex nonlandfill solid waste discharging facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 4 above, Table 12 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(7) Standard nonlandfill solid waste discharging facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 5 above, Table 12 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(8) Standard nonlandfill solid waste discharging facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 6 above, Table 12 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(9) Complex nonlandfill solid waste discharging facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-

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14-108. Following the analysis and discussion under Table 10, license category 7 above, Table 12 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(10) Complex nonlandfill solid waste discharging facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 8 above, Table 12 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(11) Standard nonlandfill solid waste discharging facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 9 above, Table 12 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(12) Complex nonlandfill solid waste discharging facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 10 above, Table 12 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(13) Nonlandfill solid waste discharging facility AP permit transfer approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 11 above, Table 12 shows 21 business days for administrative completeness review and 32 business days for substantive review.

(14) Nonlandfill solid waste discharging facility AP closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 12 above, Table 12 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(15) Standard nonlandfill solid waste discharging facility AP post-closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 13 above, Table 12 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(16) Complex nonlandfill solid waste discharging facility AP post-closure plan approval. Table 12 shows this category based on category 15 above but with substantive review increased from 41 business days to 125 business days. This represents approximately 6 months for the substantive review time-frame.

(17) Nonlandfill solid waste voluntary environmental mitigation use restriction (VEMUR) approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 10, license category 15 above, Table 12 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(18) Nonlandfill solid waste voluntary environmental mitigation use restriction (VEMUR) cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 10, license category 16 above, Table 12 shows 15 business days for administrative completeness review and 27 business days for substantive review.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements for the reasons given below.

(1) Solid waste definition exemption. This license is authorized and identified at A.R.S. § 49-701.01. This license accrues by notifying the Director of some proposed activity. In other words, it is a notice (Model B) license that does not require the Department to issue the license. Therefore, this license is not subject to Article 7.1 requirements.

(2) Septage hauler license. This license is authorized and identified at A.R.S. § 49-104(B)(14) and governed by A.A.C. R18-8-613. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-8-614. Several counties act as the Department's agent in accepting applications for this license and perform a certain amount of administrative review. Some counties charge a fee; some do not. When submitted by counties, review time begins only upon submission. The Department has determined that this license is not subject to Article 7.1 requirements because it is issued within 7 days after receipt of the initial application in accordance with A.R.S. § 41-1073(D).

13) Table 13: Special Waste Licenses

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the state's special waste management program in accordance with A.R.S. §§ 49-701 through 49-881 and 49-851 through 49-868 and administered by the Department's Solid Waste Section of the Waste Programs Division. The following numbered license categories appear on Table 13 with the same corresponding numbers in parentheses. The arrangement of licenses categories on Table 13 is as follows.

Group I: Special waste licenses.

Waste from shredding motor vehicles alternative sampling plan approval (1).

Special waste temporary treatment facility approval (2).

Group III: Special waste facility plan licenses.

Existing special waste facility plan approval (3).

New special waste facility plan approval without/with a public hearing (4-5).

New special waste facility operation temporary authorization (6).

Group III: Special waste facility amendment licenses.

Special waste facility plan type III substantial change (7).

Special waste facility plan type IV substantial change without/with a public hearing (8-9).

Group IV: Special waste facility individual discharging aquifer protection (AP) licenses.

Standard special waste discharging facility AP new permit without/with a public hearing (10-11).

Complex special waste discharging facility AP new permit without/with a public hearing (12-13)

Standard special waste discharging facility AP major modification permit without/with a public hearing (14-15).

Complex special waste discharging facility AP major modification permit without/with a public hearing (16-17)

Standard/complex special waste discharging facility AP other modification permit (18-19)

Special waste discharging facility AP permit transfer approval (20).

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Special waste discharging facility AP closure plan approval (21)

Standard/complex special waste discharging facility AP post-closure plan approval (22-23).

Special waste discharging facility AP voluntary environmental mitigation use restriction (VEMUR) approval (24).

Special waste discharging facility AP VEMUR cancellation approval (25).

Group I: Special waste licenses.

(1) Waste from shredding motor vehicles alternative sampling plan approval. This license is authorized and identified at A.R.S. §§ 49-762 and 49-857 and is governed by A.A.C. R18-8-307(A). This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-8-307(A). Table 13 shows 5 business days (approximately 7 calendar days) for the administrative completeness review time-frame and 5 business days for the substantive review time-frame.

(2) Special waste temporary treatment facility approval. This license is authorized and identified at A.R.S. §§ 49-762 and 49-857 and is governed by A.A.C. R18-8-1610. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-8-1607 and R18-13-403. Table 13 shows 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 62 business days (approximately 90 calendar days) for the substantive review time-frame.

Group II: Special waste facility plan licenses. The Department's solid waste section administers this group of licenses governing special waste facilities that handle auto shredder fluff or petroleum contaminated soil. The application components for the auto shredder fluff licenses are identified at R18-8-307. The application components for the petroleum contaminated soil licenses are identified at R18-8-1601 through R18-8-1614.

(3) Existing special waste facility plan approval. This license is authorized and identified at A.R.S. § 49-762.03(A)(2). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-8-307 and R18-8-1601 through R18-8-1614 and include a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. A.R.S. § 49-762.04 identifies certain application review times: 30 calendar days for administrative completeness review plus another 15 calendar days if the Department issues a notice of administrative deficiencies and a licensing decision within 180 calendar days after administrative completeness. Table 13 shows 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 124 business days (approximately 180 calendar days) for the substantive review time-frame.

(4) New special waste facility plan approval with no public hearing. This license is authorized and identified at A.R.S. § 49-762.03(A)(1). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-8-307 and R18-8-1601 through R18-8-1614 and include a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. A.R.S. § 49-762.04 identifies certain application review times: 30 calendar days for administrative completeness review plus another 15 calendar days if the Department issues a notice of administrative deficiencies and a licensing decision within 90 calendar days after administrative completeness. Table 13 shows 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 62 business days (approximately 90 calendar days) for the substantive review time-frame.

(5) New special waste facility plan approval with a public hearing. This license is authorized and identified at A.R.S. § 49-762.03(A)(1). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified at R18-8-307 and R18-8-1601 through R18-8-1614 and include a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. A.R.S. § 49-762.04 identifies certain application review times: 30 calendar days for administrative completeness review plus another 15 calendar days if the Department issues a notice of administrative deficiencies, a proposed licensing decision within 90 calendar days after administrative completeness, the holding of a public hearing within 45 calendar days after the proposed decision, issuance of a notice of technical deficiencies, if issued, within 30 calendar days after the hearing, and issuance of the final decision within 15 calendar days after receipt of applicant's

response to the deficiency notice. Table 13 shows 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 124 business days (approximately 180 calendar days) for the substantive review time-frame. This represents the calendar times in statute assuming 1 day for the public hearing and 1 day for the applicant to respond to the deficiency notice.

(6) New special waste facility operation temporary authorization. This license is authorized and identified at A.R.S. § 49-762.03. This license is not subject to sanctions because no application review fees are required. This is a Model E license because substantive review of non-uniform application components and a public hearing is not required. Application components are identified in statute at A.R.S. § 49-762.03(C) and require site inspection. Table 13 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

Group III: Special waste facility amendment licenses. The Department's solid waste section administers this group of licenses governing special waste facilities that handle auto shredder fluff or petroleum contaminated soil. The application components for the auto shredder fluff licenses are identified at R18-8-307. The application components for the petroleum contaminated soil licenses are identified at R18-8-1601 through R18-8-1614

(7) Special waste facility plan type III substantial change. This license is authorized and identified at A.R.S. § 49-762.06(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components and no public hearing is required. Application components are identified at R18-8-307 and R18-8-1601 through R18-8-1614 and include a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. Table 13 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(8) Special waste facility plan type IV substantial change with no public hearing. This license is authorized and identified at A.R.S. § 49-762.06(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-8-307 and R18-8-1601 through R18-8-1614 and include a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. Table 13 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(9) Special waste facility plan type IV substantial change with a public hearing. This license is authorized and identified at A.R.S. § 49-762.06(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing are required. Application components are identified at R18-8-307 and R18-8-1601 through R18-8-1614 and include a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. Table 13 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 62 business days (approximately 90 calendar days) for the substantive review time-frame.

Group IV: Special waste facility individual discharging aquifer protection (AP) licenses. These AP licenses are described here as a separate group from those in Tables 10 and 12 above because they are administered by the special waste program. Discussion of the AP licenses listed under Group I (wastewater facilities) in Table 10 above, however, applies here as well.

(10) Standard special waste discharging facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 1 above, Table 13 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(11) Standard special waste discharging facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are

deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 2 above, Table 13 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(12) Complex special waste discharging facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 3 above, Table 13 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(13) Complex special waste discharging facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 4 above, Table 13 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(14) Standard special waste discharging facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 5 above, Table 13 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(15) Standard special waste discharging facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 6 above, Table 13 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(16) Complex special waste discharging facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 7 above, Table 13 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(17) Complex special waste discharging facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a

proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 8 above, Table 13 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(18) Standard special waste discharging facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 9 above, Table 13 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(19) Complex special waste discharging facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and R18-9-120 through R18-9-121 and require a Department-generated application form and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 10 above, Table 13 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(20) Special waste discharging facility AP permit transfer approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 11 above, Table 13 shows 21 business days for administrative completeness review and 32 business days for substantive review.

(21) Special waste discharging facility AP closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 12 above, Table 13 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(22) Standard special waste discharging facility AP post-closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 13 above, Table 13 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(23) Complex special waste discharging facility AP post-closure plan approval. Table 13 shows this category based on category 28 above with substantive review increased from 41 business days to 125 business days. This represents approximately 6 months for the substantive review time-frame.

(24) Special waste discharging facility AP voluntary environmental mitigation use restriction (VEMUR) approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public

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hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 5, license category 15 above, Table 13 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(25) Special waste discharging facility AP VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 10, license category 16 above, Table 13 shows 15 business days for administrative completeness review and 27 business days for substantive review.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following license is not subject to Article 7.1 time-frame requirements for the reasons given below.

(1) Special waste generator identification number. This license is authorized and identified at A.R.S. §§ 49-762 and 49-857 and is governed by A.A.C. R18-8-302(A). This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-8-302(A) and require a Department-generated application form. This license is not subject to licensing time-frames because the Department issues them within 7 calendar days in accordance with A.R.S. § 41-1073(D).

(2) Special waste shipper identification number. The reason for the exclusion of this category from this rule are the same as for Category 1 above. Application components are identified at R18-8-303(A).

(3) Special waste receiving facility identification number. The reason for the exclusion of this category from this rule are the same as for Category 1 above. Application components are identified at R18-8-304(A).

(4) Special waste facility plan type II change. This license is authorized and identified at A.R.S. § 49-762.06(C). This license is a Model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

14) Table 14: Landfill Licenses

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the state's landfill management program in accordance with A.R.S. §§ 49-701 through 49-881 and administered by the Department's Solid Waste Section of the Waste Programs Division. The following numbered license categories appear on Table 14 with the same corresponding numbers in parentheses. The arrangement of licenses categories on Table 14 is as follows.

Group I: Solid waste landfill facility plan licenses.

Existing landfill facility plan approval (1).

New landfill facility plan approval without/with a public hearing (2-3).

New landfill operation temporary authorization (4).

Group II: Solid waste landfill facility amendment licenses.

Solid waste facility plan type III substantial change (landfill) (5).

Solid waste facility plan type IV substantial change (landfill) without/with a public hearing (6-7).

Group III: Solid waste landfill facility individual discharging aquifer protection (AP) licenses.

Standard landfill discharging facility AP new permit without/with a public hearing (8-9).

Complex landfill discharging facility AP new permit without/with a public hearing (10-11).

Standard landfill discharging facility AP major modification permit without/with a public hearing (12-13).

Complex landfill discharging facility AP major modification permit without/with a public hearing (14-15).

Standard/complex discharging facility AP other modification permit (16-17).

Landfill discharging facility AP permit transfer approval (18).

Landfill discharging facility AP permit closure plan approval (19).

Standard/complex discharging facility AP post-closure plan approval (20-21).

Group I: Solid waste landfill facility plan licenses. Currently, the Department's solid waste section administers this group of licenses governing municipal and non-municipal solid waste landfill facilities. The application components for the municipal solid waste landfill licenses are identified at A.R.S. § 49-761(B) which incorporates by reference 40 CFR Part 258. The application components for the non-municipal solid waste landfill licenses are identified at A.R.S. § 49-762.07(E) which incorporates by reference 40 CFR Part 257.

(1) Existing landfill facility plan approval. This license is authorized and identified at A.R.S. § 49-761(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. §§ 49-761(B) and 49-762.07(E) and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. A.R.S. § 49-762.04 identifies certain application review times: 30 calendar days for administrative completeness review plus another 15 calendar days if the Department issues a notice of administrative deficiencies and a licensing decision within 180 calendar days after administrative completeness. Table 14 shows 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 124 business days (approximately 180 calendar days) for the substantive review time-frame.

(2) New landfill facility plan approval with no public hearing. This license is authorized and identified at A.R.S. § 49-761(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. §§ 49-761(B) and 49-762.07(E) and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. A.R.S. § 49-762.04 identifies certain application review times: 30 calendar days for administrative completeness review plus another 15 calendar days if the Department issues a notice of administrative deficiencies and a licensing decision within 90 calendar days after administrative completeness. Table 14 shows 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 62 business days (approximately 90 calendar days) for the substantive review time-frame.

(3) New landfill facility plan approval with a public hearing. This license is authorized and identified at A.R.S. § 49-761(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund, and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified at A.R.S. §§ 49-761(B) and 49-762.07(E) and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. A.R.S. § 49-762.04 identifies certain application review times: 30 calendar days for administrative completeness review plus another 15 calendar days if the Department issues a notice of administrative deficiencies, a proposed licensing decision within 90 calendar days after administrative completeness, the holding of a public hearing within 45 calendar days after the proposed decision, issuance of a notice of technical deficiencies, if issued, within 30 calendar days after the hearing, and issuance of the final decision within 15 calendar days after receipt of applicant's response to the deficiency notice. Table 14 shows 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 124 business days (approximately 180 calendar days) for the substantive review time-frame. This represents the calendar times in statute assuming 1 day for the public hearing and 1 day for the applicant to respond to the deficiency notice.

(4) New landfill operation temporary authorization. This license is authorized and identified at A.R.S. § 49-762.03(C). This license is not subject to sanctions because no application review fees are required. This is a Model E license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in statute at A.R.S. § 49-762.03(C) and require site inspection. Table 14 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

Group II: Solid waste landfill facility amendment licenses. Currently, the Department's solid waste section administers this group of licenses governing municipal and non-municipal solid waste landfill facilities. The application components for the municipal solid waste landfill amendment licenses are identified at A.R.S. § 49-761(B) which incorporates by reference 40 CFR Part 258. The application components for the non-municipal solid waste landfill amendment licenses are identified at A.R.S. § 49-762.07(E) which incorporates by reference 40 CFR Part 257.

(5) Solid waste facility plan type III substantial change (landfill). This license is authorized and identified at A.R.S. § 49-762.06(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components and no public hearing is required. Application components are identified at A.R.S. §§ 49-761(B) and 49-762.07(E) and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. Table 14 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(6) Solid waste facility plan type IV substantial change (landfill) with no public hearing. This license is authorized and identified at A.R.S. § 49-762.06(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components and no public hearing is required. Application components are identified at A.R.S. §§ 49-761(B) and 49-762.07(E) and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. Table 14 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 41 business days (approximately 60 calendar days) for the substantive review time-frame.

(7) Solid waste facility plan type IV substantial change (landfill) with a public hearing. This license is authorized and identified at A.R.S. § 49-762.06(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund, and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified at A.R.S. §§ 49-761(B) and 49-762.07(E) and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-13-701 through R18-13-703. Table 14 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 62 business days (approximately 90 calendar days) for the substantive review time-frame.

Group III: Solid waste landfill facility individual discharging aquifer protection (AP) licenses. These AP licenses are described here as a separate group from those in Table 10 above because they are administered by the solid waste landfill program. Discussion of the AP licenses listed under Group I (wastewater facilities) in Table 10 above, however, applies here as well.

(8) Standard landfill discharging facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 1 above, Table 14 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(9) Standard landfill discharging facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 2 above, Table 14 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(10) Complex landfill discharging facility AP new permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 3 above, Table 14 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(11) Complex landfill discharging facility AP new permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-

108. Following the analysis and discussion under Table 10, license category 4 above, Table 14 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(12) Standard landfill discharging facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 5 above, Table 14 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(13) Standard landfill discharging facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 6 above, Table 14 shows 35 business days for administrative completeness review and 232 business days for substantive review.

(14) Complex landfill discharging facility AP major modification permit with no public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 7 above, Table 14 shows 35 business days for administrative completeness review and 249 business days for substantive review.

(15) Complex landfill discharging facility AP major modification permit with a public hearing. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing after issuance of a proposed permit is required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 8 above, Table 14 shows 35 business days for administrative completeness review and 295 business days for substantive review.

(16) Standard landfill discharging facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 9 above, Table 14 shows 35 business days for administrative completeness review and 186 business days for substantive review.

(17) Complex landfill discharging facility AP other modification permit. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-107 through R18-9-109 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 10 above, Table 14 shows 35 business days for administrative completeness review and 249 business days for substantive review.

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(18) Landfill discharging facility AP permit transfer approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-121(E) and require a Department-generated application form and an initial fee. Following the analysis and discussion under Table 10, license category 11 above, Table 14 shows 21 business days for administrative completeness review and 32 business days for substantive review.

(19) Landfill discharging facility AP closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 12 above, Table 14 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(20) Standard landfill discharging facility AP post-closure plan approval. This license is authorized and required by A.R.S. §§ 49-241 through 49-251 and governed by A.A.C. R18-9-101 through R18-9-130. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into an Department fund, and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-9-116 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-14-101 through R18-14-108. Following the analysis and discussion under Table 10, license category 13 above, Table 14 shows 21 business days for administrative completeness review and 41 business days for substantive review.

(21) Complex landfill discharging facility AP post-closure plan approval. Table 14 shows this category based on Category 23 above with substantive review increased from 41 business days to 125 business days. This represents approximately 6 months for the substantive review time-frame.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements for the reasons given below.

(1) Landfill registration. This license is authorized and identified at A.R.S. § 49-747(A). This license is a Model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

(2) Solid waste landfill facility plan type II change (MSWLF) determination. This license is authorized and identified at A.R.S. § 49-762.06(C). This license is a Model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

(3) Solid waste landfill facility plan type II change (non-MSWLF) determination. This license is authorized and identified at A.R.S. § 49-762.06(C). This license is a Model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

15) Table 15: Medical Waste Licenses.

This table is reserved.

16) Table 16: Waste Tire, Lead Acid Battery and Used Oil Licenses

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the Department's implementation of the state's recycling program. The following numbered license categories appear on Table 16 with the same corresponding numbers shown in parentheses. The arrangement of licenses categories on this Table is as follows.

Group I: Waste tire licenses.

Waste tire collection site registration (1).

Mining off-road waste tire collection facility license (2).

Group II: Lead acid battery licenses.

Lead battery collection or recycling facility authorization (3).

Group III: Used oil licenses.

Used oil collection center registration number (4).

Group I: Waste tire licenses.

(1) Waste tire collection site registration. This license is authorized and identified at A.R.S. § 44-1303. This license is not subject to sanctions because the Department collects no fees for the review of applications. This license is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified at R18-8-302(A) and required a Department-generated application form. Table 16 shows this category with 11 business days (approximately 15 calendar days) for the administrative completeness review time-frame and 21 business days (approximately 30 calendar days) for the substantive review time-frame.

(2) Mining off-road waste tire collection facility license. This license is authorized and identified at A.R.S. § 44-1304 and governed by A.A.C. R18-8-511 and R18-8-706. This license is not subject to sanctions because the Department collects no fees for the review of applications. This license is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified A.R.S. § 44-1304. Table 16 shows this category with 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 62 business days (approximately 90 calendar days) for the substantive review time-frame.

Group II: Lead acid battery licenses.

(3) Lead battery collection or recycling facility authorization. This license is authorized and identified at A.R.S. § 44-1322(C). This license is not subject to sanctions because the Department collects no fees for the review of applications. This license is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in statute at A.R.S. § 49-857.01(A) and require a Department-generated application form. Table 16 shows this category with 32 business days (approximately 45 calendar days) for the administrative completeness review time-frame and 62 business days (approximately 90 calendar days) for the substantive review time-frame.

Group III: Used oil licenses.

(4) Used oil collection center registration number. This license is authorized and identified at A.R.S. § 49-802(C)(1). This license is not subject to sanctions because the Department collects no fees for the review of applications. This license is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-802(C)(1). Table 16 shows this category with 11 business days (approximately 15 calendar days) for the administrative completeness review time-frame and 21 business days (approximately 30 calendar days) for the substantive review time-frame.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements because they are issued within 7 days after receipt of the initial application in accordance with A.R.S. § 41-1073(D).

(1) Mining off-road waste tire burial notice. This license is authorized and identified at A.R.S. § 44-1304 and governed by A.A.C. R18-8-702(B).

(2) Used oil processor and re-refiner identification number. This license is authorized and identified at A.R.S. § 49-802(A).

(3) Used oil burner identification number. This license is authorized and identified at A.R.S. § 49-802(A).

(4) Used oil marketer identification number. This license is authorized and identified at A.R.S. § 49-802(A).

(5) Used oil transporter identification number. This license is authorized and identified at A.R.S. § 49-802(A).

17) Table 17: Hazardous Waste Licenses.

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the department's implementation of the state's hazardous waste disposal and management programs in accordance with A.R.S. §§ 49-901 through 49-932 and administered by the Department's Hazardous Waste Section of the Waste Programs Division. The following numbered license catego-

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ries appear on Table 17 with the same corresponding numbers shown in parentheses. The arrangement of licenses categories on this Table is as follows.

Group I: RCRA new and renewal licenses.

Hazardous waste container or tank permit without/with a public hearing (1-2).
Hazardous waste surface impoundment permit without/with a public hearing (3-4).
Hazardous waste pile permit without/with a public hearing (5-6).
Hazardous waste incinerator or burning boiler and industrial furnace permit without/with a public hearing (7-8).
Hazardous waste land treatment permit without/with a public hearing (9-10).
Hazardous waste landfill facility permit without/with a public hearing (11-12).
Hazardous waste miscellaneous unit permit without/with a public hearing (13-14).
Hazardous waste drip pad permit without/with a public hearing (15-16).
Hazardous waste emergency permit (17).
Hazardous waste land treatment demonstration using field test or laboratory analysis permit (18).
Hazardous waste research, development, and demonstration permit (19).
Hazardous waste temporary authorization request approval (20).

Group II: RCRA modification licenses.

Hazardous waste permit transfer approval (21).
Hazardous waste Class I permit modification (22).
Hazardous waste Class 2 permit modification (23).
Hazardous waste Class 3 incinerator, burning boiler and industrial furnace, or landfill permit modification (24).
Hazardous waste Class 3 other permit modification (25).
Hazardous waste permit modification classification request (26).

Group III: Hazardous waste closure plan licenses.

Hazardous waste interim status facility partial closure plan approval (27).
Hazardous waste interim status facility final closure plan approval (28).
Hazardous waste post-closure permit without/with a public hearing (29-30).

Group IV: Hazardous waste voluntary environmental mitigation use restriction (VEMUR) licenses.

Hazardous waste facility VEMUR approval (31).
Hazardous waste facility VEMUR cancellation approval (32).

The following list compares the substantive review time-frames (SRTF) in this draft rule for the main hazardous waste license categories. These times are for applications not requiring a public hearing. Add 2 months for a public hearing to these categories for those that must hold a public hearing if 1 is requested. Administrative completeness review is 4 months for all permits except as noted otherwise.

SRTF = 4 months.

Emergency permit (2 weeks for administrative completeness).
Temporary authorization.

SRTF = 4½ months.

Partial closure plan approval.
Final closure plan approval.

SRTF = 6 months.

Permit transfer.
Class 1 modification.
Modification classification.

SRTF = 12 months (1 year).

Container only permit.
Tank only permit.

SRTF = 18 months.

Surface impoundment permit.
Pile permit.
Land treatment permit.
Miscellaneous unit permit.
Drip pad permit.
Land treatment demonstration using field test or laboratory analysis.
Research, development, and demonstration permit.

Class 2 modification.
Class 3 other modification.
Post-closure plan approval.

SRTF = 24 months (2 years).

Incinerator permit.
Burning boiler and industrial furnace (BIF) permit.
Landfill facility.
Class 3 incinerator, BIF, or landfill modification.

Group I: Resource Conservation and Recovery Act (RCRA) new and renewal licenses. The following 20 RCRA-related state hazardous waste management license categories reflect those identified in 40 C.F.R. Subparts B (§§ 270.10 through 270.29) and F (§§ 270.62 through 270.67).

(1) Hazardous waste container or tank permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922 and A.A.C. R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.16 and 270.27 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). This category includes facilities characterized as conducting storage operations. Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 251 business days (approximately 1 year) for the substantive review time-frame.

(2) Hazardous waste container or tank only permit with a public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.16 and 270.27 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). This category includes facilities characterized as conducting storage operations. Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 293 business days (approximately 14 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category 1 above not requiring a public hearing. This category is available for applications for containers or tanks only. Applications for a container or tank that also contain other hazardous waste permitable items described in other categories below must be processed in those other categories.

(3) Hazardous waste surface impoundment permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14, 270.17 and 270.27 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(4) Hazardous waste surface impoundment permit with a public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14, 270.17 and 270.27 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 418 business days (approximately 20 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category 3 above not requiring a public hearing.

(5) Hazardous waste pile permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing

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is not required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.18 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(6) Hazardous waste pile permit with a public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.18 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 418 business days (approximately 20 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category 5 above not requiring a public hearing.

(7) Hazardous waste incinerator or burning boiler and industrial furnace (BIF) permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14, 270.19, 270.22, 262.62 and 270.66 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 502 business days (approximately 2 years) for the substantive review time-frame.

(8) Hazardous waste incinerator or burning boiler and industrial furnace (BIF) permit with a public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14, 270.19, 270.22, 262.62, and 270.66 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 544 business days (approximately 26 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category 7 above not requiring a public hearing.

(9) Hazardous waste land treatment permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.20 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(10) Hazardous waste land treatment permit with a public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.20 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 418 business days (approximately 20 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category 9 above not requiring a public hearing.

(11) Hazardous waste landfill facility permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public

hearing is not required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.21 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 502 business days (approximately 2 years) for the substantive review time-frame.

(12) Hazardous waste landfill facility permit with a public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.21 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 544 business days (approximately 26 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category 11 above not requiring a public hearing.

(13) Hazardous waste miscellaneous unit permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.23 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). This category includes facilities characterized as conducting recycling operations. Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(14) Hazardous waste miscellaneous unit permit with a public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.23 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). This category includes facilities characterized as conducting recycling operations. Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 418 business days (approximately 20 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category 13 above not requiring a public hearing.

(15) Hazardous waste drip pad permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.26 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(16) Hazardous waste drip pad permit with a public hearing. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified in rule at 40 C.F.R. §§ 270.10 through 270.14 and 270.26 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 418 business days (approximately 20 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category 15 above not requiring a public hearing.

(17) Hazardous waste emergency permit. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.61 as incorporated by R18-8-270 and require a Department-generated application form and site inspection. Table 17 shows 10 business days

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(approximately 2 weeks) for the administrative completeness review time-frame and 84 business days (approximately 4 months) for the substantive review time-frame. Department experience is limited for this category in that only 2 applications have been received. The federal rules provide the ability for applicants to make oral requests and receive oral authorizations. The oral license grant is then followed up with a written after-the-fact "application" by the applicant. The Department has determined that oral grants made in the absence of a written application results in a license not subject to Article 7.1 time-frame requirements. This is because Article 7.1 requires that a time-frame does not start until a written application has been received. Here, the written application is not received until after the license has been granted. For this reason, the Department believes that the Article cannot apply to such licensing activities. The category described here, therefore, would apply only to licensing activity when a written application is received by the Department prior to making a licensing decision.

(18) Hazardous waste land treatment demonstration using field test or laboratory analysis permit. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.63 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(19) Hazardous waste research, development, and demonstration permit. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270(Q). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.65 as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(20) Hazardous waste temporary authorization request approval. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.42(e) as incorporated by R18-8-270 and require a Department-generated form and site inspection. Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 84 business days (approximately 4 months) for the substantive review time-frame.

Group II: Resource Conservation and Recovery Act (RCRA) modification licenses. The following 6 RCRA permits reflect those identified in 40 C.F.R. Subpart D (§§ 270.40 through 270.43).

(21) Hazardous waste permit transfer approval. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.40 as incorporated by R18-8-270 and require a Department-generated application form and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 125 business days (approximately 6 months) for the substantive review time-frame.

(22) Hazardous waste Class 1 permit modification. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.42(a) as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 125 business days (approximately 6 months) for the substantive review time-frame. Under RCRA, applicants for a Class 1 permit modification can request the Department to process the application as if it were a Class 2 permit modification. In regards to licensing time-frame requirements, the Department expects to handle such requests by processing them within the appropriate Class 2 category below.

(23) Hazardous waste Class 2 permit modification. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.42(b) as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame. Under RCRA, applicants for a Class 2 permit modification can request the Department to process the application as if it were a Class 3 permit modification. In regards to licensing time-frame requirements, the Department expects to handle such requests by processing them within the appropriate Class 3 category below.

(24) Hazardous waste Class 3 incinerator, BIF, or landfill permit modification. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.42(c) as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 502 business days (approximately 2 years) for the substantive review time-frame.

(25) Hazardous waste Class 3 other permit modification. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.42(c) as incorporated by R18-8-270 and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(26) Hazardous waste permit modification classification request. This license is authorized and identified at A.R.S. § 49-922 and R18-8-270. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at 40 C.F.R. § 270.42(d) as incorporated by R18-8-270 and require a Department-generated application form and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 125 business days (approximately 6 months) for the substantive review time-frame.

Group III: Hazardous waste closure plan licenses.

(27) Hazardous waste interim status facility partial closure plan approval. This license is authorized and identified at A.R.S. § 49-922. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at 40 C.F.R. §§ 264 Subpart G and 265 Subpart G and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 95 business days (approximately 4½ months) for the substantive review time-frame.

(28) Hazardous waste interim status facility final closure plan approval. This license is authorized and identified at A.R.S. § 49-922. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at 40 C.F.R. §§ 264 Subpart G and 265 Subpart G and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 95 business days (approximately 4½ months) for the substantive review time-frame.

(29) Hazardous waste post-closure permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not

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required. Application components are identified at 40 C.F.R. § 270.1(c) and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 376 business days (approximately 18 months) for the substantive review time-frame.

(30) Hazardous waste post-closure permit with no public hearing. This license is authorized and identified at A.R.S. § 49-922. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components and a public hearing is required. Application components are identified at 40 C.F.R. § 270.1(c) and require a Department-generated application form, site inspection and an initial fee. The fee is identified at R18-8-270(G). Table 17 shows 84 business days (approximately 4 months) for the administrative completeness review time-frame and 418 business days (approximately 20 months) for the substantive review time-frame. This is an increase of approximately 2 months over the companion category not requiring a public hearing.

Group IV: Hazardous waste voluntary environmental mitigation use restriction (VEMUR) licenses.

(31) Hazardous waste facility VEMUR approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and no public hearing is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 10, license category 15 above, Table 17 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(32) Hazardous waste facility VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and no public hearing is required. Application components are identified in statute at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 10, license category 16 above, Table 17 shows 15 business days for administrative completeness review and 27 business days for substantive review.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements for the reasons given below.

(1) EPA identification number assignment. This license is authorized and identified at A.R.S. § 49-922. Application components are identified in rule at A.A.C. R18-8-262(D), R18-8-263(B), R18-8-264(C), R18-8-265(C), and R18-8-273. These rules, in turn, reference 40 C.F.R. §§ 260.10, 262.12, 263.11, 264.11, 265.11, 273.32, 279.42, 279.51, 279.62, and 279.73 and EPA 8700-12. This license is a Model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

18) Table 18: Underground Storage Tank Licenses.

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following licenses as part of the state's underground storage tank (UST) regulation and leaking UST (LUST) state assurance fund (SAF) programs in accordance with A.R.S. §§ 49-1001 through 49-1082 and administered by the Department's UST Section of the Waste Programs Division (for UST and LUST) and Office of Fiscal Services of the Deputy Director's Office (for SAF). The following numbered license categories appear on Table 18 with the same corresponding numbers shown in parentheses. The arrangement of license categories on this Table is as follows.

Group I: Underground storage tank (UST) technical requirement licenses.
UST temporary closure extension request approval (1).

Group II: UST service provider licenses.
UST installation and retrofit service provider certification (2).
UST tightness testing service provider certification (3).
UST cathodic protection testing service provider certification (4).
UST decommissioning service provider certification (5).
UST interior lining service provider certification (6).

Group III: Leaking UST (LUST) licenses.

LUST voluntary environmental mitigation use restriction (VEMUR) approval (7).

LUST VEMUR cancellation approval (8).

Group IV: State assurance fund (SAF) licenses.

SAF firm pre-qualification approval (9).

Group I: Underground storage tank (UST) technical requirement licenses.

(1) UST temporary closure extension request approval. This license is authorized and required by A.R.S. § 49-1008 and governed by R18-12-270. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. (See discussion of license processing models at § I(C)(3)(a) above.) Application components are identified in rule at R18-12-270(F)-(G) and require a Department-generated application form. No application review times are specified in statute or rule. By rule, if an application is received no later than 30 days prior to the expiration of the 12-month temporary closure period, the applicant automatically receives an extension until the Department makes its decision to grant or deny the license. If denied, the extension continues for 180 days after receipt. This means that if denial is to occur, it is in the applicant's interest that the denial occur as late as possible. Department experience is that well prepared applications usually result in early decisions to grant and that poorly prepared applications usually require extensive interaction with the applicant in an effort to achieve an approvable application. This suggests that short review deadlines will work to the detriment of applicants especially as no refunds are possible in this license category. Applicants eager to receive this license can encourage early approval by submitting complete applications in the 1st instance and as early as possible in advance of the application deadline. Table 18 shows 42 business days for the administrative completeness review time-frame (approximately 2 months) and 84 business days for the substantive review time-frame (approximately 4 months). This is reasonable because the volume of requests for this license should remain low despite the December 22, 1998 deadline for upgrading UST systems. This is because the cost of the site assessment which must accompany the request for extension of temporary closure represents the majority of the cost of permanent closure or change-in-service. For this reason, the financial advantage of extending temporary closure is probably minimal in most cases. Department experience is that the time to review and reach a licensing decision on an application for extension of temporary closure is approximately the same as to review and reach a licensing decision on a closure report for compliance. With the anticipated work load in late 1998 and early 1999, the above periods for administrative and substantive review of extension requests should allow for processing of both the permanent closure reports and this license, assuming Department resources for the review remain unchanged.

Group II: UST service provider licenses. Each of these licenses is authorized and required by A.R.S. § 49-1082 and governed by R18-12-801 through R18-12-809. These licenses are not subject to sanctions because the Department collects no fees from applicants for their issuance. These are Model D licenses because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-12-806 and require a Department-generated application form. Certain application review times are specified in rule at R18-12-806(C): a licensing decision shall be made within 30 calendar days of receipt and a notice of administrative deficiencies, if made, shall be issued within 15 calendar days of receipt. These 2 calendar periods of 15 days each identified at R18-12-806(C) convert to business days as 11 days for the administrative completeness review time-frame and 11 days for the substantive review time-frame. These together total 22 business days or 1 day longer than the standard conversion of 30 calendar days to 21 business days. This is reasonably equivalent because the 22 business days include the day of receipt whereas the 30 calendar days do not. These are the times shown on Table 18 for all license categories in this group. Department experience is that all licensing decisions are made not later than the 30-day rule limit. Applicants who fail to respond adequately to a notice of administrative deficiencies before the 30-day rule limit are subject to routine denial of their applications.

(2) UST installation and retrofit service provider certification. This license is identified specifically at R18-12-803(1). The requirements, circumstances, and time-frame assignments of this license are as described above for all licenses under this group.

(3) UST tightness testing service provider certification. This license is identified specifically at R18-12-803(2). The requirements, circumstances, and time-frame assignments of this license are as described above for all licenses under this group.

(4) UST cathodic protection testing service provider certification. This license is identified specifically at R18-12-803(3). The requirements, circumstances, and time-frame assignments of this license are as described above for all licenses under this group.

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(5) UST decommissioning service provider certification. This license is identified specifically at R18-12-803(4). The requirements, circumstances, and time-frame assignments of this licence are as described above for all licenses under this group.

(6) UST interior lining service provider certification. This license is identified specifically at R18-12-803(5). The requirements, circumstances, and time-frame assignments of this licence are as described above for all licenses under this group.

Group III: Leaking underground storage tank (LUST) licenses.

Categories 6(a) through 6(d) are not included in today's rule pending further discussion with stakeholders who raised objections to the inclusion of these categories. The following explanations are those that would have appeared had these categories been included in today's rule. The Department expects to include these categories in its next annual amendatory rulemaking for this Article when further consultation with the public concerning these categories has been completed.

(6)(a) Standard LUST corrective action plan (CAP) approval with no public hearing. This license is authorized and governed by A.R.S. § 49-1005. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public meeting is not required. Application components are identified at 40 C.F.R. §§ 280.66 and 280.67 and a Department-generated application form is required. No review times are identified in statute or rule. **This category is not included in today's rule:** *The times for administrative and substantive review shown on Table 18 are based on anticipated work-load and staffing. The availability of resources for CAP review is significantly reduced (from the approximate 20% of UST/LUST Section Remedial Actions Unit staff time previously devoted to these applications) to something in the area of 1% to 3% of available Unit staff time. The reduction of available resources is due to the Remedial Actions Unit assuming full responsibility for technical review of SAF claims for both pre-approval and reimbursement from the SAF contractor. While there is a potential for additional Department staffing to handle the increased SAF work-load, the timing between the additional work and staffing will not be coincident. Table 18 shows 42 business days for the administrative completeness review time-frame (approximately 2 months) and 146 business days for the substantive review time-frame (approximately 7 months).*

(6)(b) Standard LUST corrective action plan approval with a public hearing. This license is authorized and governed by A.R.S. § 49-1005. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model F license because a public meeting is required in addition to substantive review of non-uniform application components. Application components are identified at 40 C.F.R. §§ 280.66 and 280.67 and a Department-generated application form is required. No review times are identified in statute or rule. **This category is not included in today's rule:** *Table 18 shows 42 business days for the administrative completeness review time-frame (approximately 2 months) and 209 business days for the substantive review time-frame (approximately 10 months).*

(6)(c) Complex LUST corrective action plan approval with no public hearing. This license is authorized and governed by A.R.S. § 49-1005. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public meeting is not required. Application components are identified at 40 C.F.R. §§ 280.66 and 280.67 and a Department-generated application form is required. No review times are identified in statute or rule. **This category is not included in today's rule:** *Table 18 shows 42 business days for the administrative completeness review time-frame (approximately 2 months) and 209 business days for the substantive review time-frame (approximately 10 months).*

(6)(d) Complex LUST corrective action plan approval with a public hearing. This license is authorized and governed by A.R.S. § 49-1005 and governed by 40 C.F.R. §§ 280.66 and 280.67. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model F license because a public meeting is required in addition to substantive review of non-uniform application components. Application components are identified at 40 C.F.R. §§ 280.66 and 280.67 and a Department-generated application form is required. No review times are identified in statute or rule. **This category is not included in today's rule:** *Table 18 shows 42 business days for the administrative completeness review time-frame (approximately 2 months) and 272 business days for the substantive review time-frame (approximately 13 months).*

(7) LUST VEMUR approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and no public hearing is required. Application components are identified at R18-7-207. Following the analy-

sis and discussion under Table 10, license category 15 above, Table 18 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(8) LUST VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and no public hearing is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 10, license category 16 above, Table 18 shows 15 business days for administrative completeness review and 27 business days for substantive review.

Group IV: State assurance fund (SAF) licenses.

(9) SAF firm pre-qualification approval. This license is authorized and identified at A.R.S. § 49-1052(D) and governed by A.A.C. R18-12-602. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-12-602 and require a Department-generated application form. No application review times are specified in statute or rule. Table 18 shows 11 business days (approximately 15 calendar days) for the administrative completeness review time-frame and 42 business days (approximately 60 calendar days) for the substantive review time-frame. Department experience is that applications are received episodically and frequently several submissions are received simultaneously, making prediction of processing times difficult.

Categories 9(a) through 9(d) are not included in today's rule pending further discussion with stakeholders who raised objections to the inclusion of these categories. The following explanations are those that would have appeared had these categories been included in today's rule. The Department expects to include these categories in its next annual amendatory rulemaking for this Article when further consultation with the public concerning these categories has been completed.

(9)(a) SAF pre-approval approval. This license is authorized and required by A.R.S. § 49-1052 and governed by R18-12-607 and R18-12-607.01. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-12-601, R18-12-607 and R18-12-607.01 and require a Department-generated application form. Certain application review times are specified at R18-12-607.01(B) and (M). The rule requires the Department to issue a licensing decision within 90 calendar days of receipt of the application but subject to a number of complex suspensions designed to allow an applicant to cure deficiencies. The consequence of the Department's failure to issue a determination of technical deficiencies within 60 calendar days or a licensing decision within 90 calendar days (excluding suspension days) is that applicants may proceed in the corrective actions described in the application. **This category is not included in today's rule:** *Table 18 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 42 business days (approximately 60 calendar days) for the substantive review time-frame.*

(9)(b) SAF direct payment approval. This license is authorized and required by A.R.S. § 49-1052 and governed by R18-12-607 and R18-12-607.01. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-12-601, R18-12-607 and R18-12-607.01 and require a Department-generated application form. Certain application review times are specified in R18-12-607.01(B) and (M). The rule requires the Department to issue a licensing decision within 90 calendar days of receipt of the application but subject to a number of complex suspensions designed to allow an applicant to cure deficiencies. The consequence of the Department's failure to issue a determination of technical deficiencies within 60 calendar days or a licensing decision within 90 calendar days (excluding suspension days) is that applicants may proceed in the corrective actions described in the application. **This category is not included in today's rule:** *Table 18 shows 21 business days (approximately 30 calendar days) for the administrative completeness review time-frame and 42 business days (approximately 60 calendar days) for the substantive review time-frame.*

(9)(c) Standard SAF reimbursement approval. This license is authorized and required at A.R.S. § 49-1052 and A.A.C. R18-12-604 and R18-12-605. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-12-601, R18-12-604 and R18-12-605 and require a Department-generated application form. No application review times are specified in statute or rule. **This category is not included in today's rule:** *Table 18 shows 42 business days (approx-*

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imately 2 months) for the administrative completeness review time-frame and 84 business days (approximately 4 months) for the substantive review time-frame.

(9)(d) Complex SAF reimbursement approval. This license is authorized and required at A.R.S. § 49-1052 and A.A.C. R18-12-604 and R18-12-605. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-12-601, R18-12-604 and R18-12-605 and require a Department-generated application form. No application review times are specified in statute or rule. **This category is not included in today's rule:** *Table 18 shows 42 business days (approximately 2 months) for the administrative completeness review time-frame and 167 business days (approximately 8 months) for the substantive review time-frame.*

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

The Department has determined that the following licenses are not subject to Article 7.1 time-frame requirements for the reasons given below.

(1) UST notification. This Model B (notification) license is authorized and required by A.R.S. § 49-1002 and is governed by A.A.C. R18-12-222. An UST owner must report to the Department within 30 days of installation of an UST or change in information on a previously submitted notification form such as the acquisition of a facility or the closure of an UST. Failure to notify in a timely manner means that the UST owner is in violation of the law and is subject to enforcement action. Obtaining the license through notification protects the owner from enforcement. Upon receipt of the notification form, Department practice has been to assign an identification number to the owner or the facility, if 1 is not already assigned. Any new number is then sent to the owner making the filing. There is no requirement in statute or rule that identification numbers be assigned or disclosed to a notifier.

(2) UST permanent closure or change-in-service notice of intent. This Model B (notification) license is authorized and required by A.R.S. § 49-1008 and is governed by A.A.C. R18-12-271(A). An UST owner or operator must file this notice at least 30 days prior to a permanent closure or change-in-service. The license expires 6 months after notification. The Department issues a "closure number" upon receipt of the notice of intent although this is not required by rule. Department practice is to inform the UST owner or operator of the closure number. Once issued, however, the number is available for use by the UST owner or operator to arrange for an inspection by the Fire Marshal, an activity required under the Uniform Fire Code (UFC) but not by the Department. A closure number is not required to obtain the inspection although the Fire Marshall will probably ask the owner or operator for the number, if known. If the Fire Marshall is unable to conduct an inspection, the Department may conduct 1 of its own. If conducted, the inspection occurs under the Department's enforcement, not licensing, authority because the inspection is not required to validate either the notice of intent or the subsequent UST permanent closure or change-in-service report.

(3) UST permanent closure or change-in-service reports. This Model B (notification) license is authorized and required by A.R.S. § 49-1008 and is governed by A.A.C. R18-12-271. An owner or operator of an UST must file this report with the Department within 30 days of completion of a permanent closure or change-in-service under R18-12-271(D). Department practice is to review the report. This review is an enforcement, not a licensing, activity. If the report concerns a permanent closure, Department practice is to send the reporter a letter acknowledging clean closure if the Department so finds. If the Department does not find the closure to be clean, the Department forwards the report to UST Technical Support Unit (TSU) Case Evaluation and Ranking Team (CERT) and sends a 14-day letter to the UST owner or operator if the release has not already been reported. There is no rule requirement for this review and resulting letter or referral to TSU CERT.

(4) UST release or suspected release reports. These Model B (notification) licenses are authorized and required by A.R.S. § 49-1004 and governed by A.A.C. R18-12-234. An UST owner or operator must (1) report a release or suspected release orally or in writing to the Department within 24 hours of detection and (2) submit a written report to the Department describing the results of discovery activities within 14 days after the detection. Although the Department usually contacts the reporter to obtain further information, there is no requirement to do so in statute, 40 C.F.R. §§ 280.50 through 280.53, or rule.

(5) UST corrective action reports. These licenses are authorized and required by A.R.S. § 49-1005 and governed by A.A.C. R18-12-234. In addition to the UST corrective action plan appearing on Table 18, an UST owner or operator must submit reports on free product removal and site characterization to the Department in accordance with A.R.S. § 49-1005 which, in turn, references 40 C.F.R. §§280.64 and 280.65. The Department is not required to review or respond to these reports. Several other reports are received by the Department during the corrective action process which are not addressed directly in statute or rule. Frequently, monitoring reports and other periodic reports of work are submitted. All these are either Model B licenses or a form of compliance with license terms and conditions.

(6) Petroleum UST financial responsibility report. This Model B (notification) license is authorized and required by A.R.S. § 49-1006 and governed by A.A.C. R18-12-301. Owners and operators of petroleum UST systems must report evidence of compliance with financial responsibility requirements. The Department is not required to respond to these reports. If the Department determines a report insufficient, the Department will contact the reporter under the Department's enforcement, not licensing, authority.

(7) UST SAF corrective action phase notice. This Model B license is authorized and required under A.R.S. § 49-1052(O). An SAF eligible person must inform the Department prior to commencement of a phase of corrective action or coverage will be lost for that phase. Upon receipt of the notice, the Department sends the eligible person certain required information. The Department's response, although required by statute, does not confer permission; only information.

(8) UST tax program. In addition, the Department administers the UST tax program authorized and required by A.R.S. §§ 49-1031 through 49-1036 (Tit. 49, ch. 6, art. 2) and governed by A.A.C. R18-12-401 through R18-12-410 (Tit. 18, ch. 12, art. 4). This program collects an annual fee based on the quantity of regulated substances placed in a tank during the year. The UST tax program's (1) tax payments, (2) reporting, invoicing, and affidavit requirements, (3) refund requests, and (4) exemption certificates are all part of an annual compliance fee program and do not operate under the Department's licensing authority.

(9) UST fee program. The Department also administers the UST fee program authorized and required by A.R.S. § 49-1020 and governed by A.A.C. R18-12-501 (Tit. 18, ch. 12, art. 5). This program collects an annual fee of \$100 for each UST subject to the fee. This represents an annual compliance fee program and does not operate under the Department's licensing authority.

(10) LUST risk assessment methodology approval request. This license is authorized by A.R.S. § 49-152 and governed by R18-7-208. Application components are identified in rule at R18-7-208(C). Certain licensing review times are specified in rule at R18-7-208(D). This license is a Model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

(11) LUST remediation close-out document request. This license is authorized by A.R.S. § 49-152 and governed by R18-7-208. Application components are identified in rule at R18-7-208. This license is a Model B license because notice is required from the applicant but the Department does not actually issue the license which means the license is not subject to time-frame requirements.

(12) SAF grant. This license is not subject to Article 7.1 time-frame requirements because it occurs under the Department's contractual, not licensing, authority and, therefore, falls within the express exception for contractual activity at A.R.S. § 41-1005(16).

(13) SAF grant application. This license is authorized and required by A.R.S. § 49-1072 and governed by R18-12-701 through R18-12-714. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in rule at R18-12-705 and R18-12-706 and require a Department-generated application form. Licensees are permitted to enter into a grant agreement with the Department. Denial of the license means the prospective licensee is prohibited from entering into an agreement. As the grant itself is a contractual, not a licensing, activity by the Department, this draft rule does not show this preliminary license as 1 subject to Article 7.1.

19) Table 19: WQARF Remediation Licenses

The Department issues the following non-fee licenses which are subject to licensing time-frame requirements as part of the state's Water Quality Assurance Revolving Fund (WQARF) program in accordance with A.R.S. §§ 49-281 through 49-298 and the state's soil remediation program in accordance with A.R.S. §§ 49-151 through 49-152 and administered by the Department's Remedial Projects Section of the Waste Programs Division. The following numbered license categories appear on Tables 19 and 19-S with the same corresponding numbers shown in parentheses. Table 19 shows the licenses issued by the Phoenix Office and Table 19-S shows the licenses issued by the Southern Regional Office. The arrangement of licenses categories on these tables is as follows:

- WQARF preliminary investigation work plan approval (1).
- WQARF remedial investigation work plan approval (2).
- WQARF feasibility study work plan approval (3).
- WQARF standard/complex remedial action plan (RAP) approval (4-5).
- WQARF determination of no further action approval (6).
- WQARF site rescoring approval (7).
- WQARF qualified business settlement approval (8).

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WQARF financial hardship settlement approval (9).

WQARF voluntary environmental mitigation use restriction (VEMUR) approval (10).

WQARF VEMUR cancellation approval (11).

(1) WQARF preliminary investigation work plan approval. This license is authorized and identified at A.R.S. §§ 49-282.06 and 49-287.01. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.01 and A.A.C. R18-7-201 through R18-7-209 and require site inspection. Tables 19 and 19-S show 21 business days (approximately 1 month) for the administrative completeness review time-frame and 63 business days (approximately 3 months) for the substantive review time-frame.

(2) WQARF remedial investigation work plan approval. This license is authorized and identified at A.R.S. §§ 49-282.06 and 49-287.03. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.03 and R18-7-201 through R18-7-209 and require site inspection. Tables 19 and 19-S show 21 business days (approximately 1 month) for the administrative completeness review time-frame and 63 business days (approximately 3 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(3) WQARF feasibility study work plan approval. This license is authorized and identified at A.R.S. §§ 49-282.06 and 49-287.03. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Departmental approval of a baseline risk assessment is conducted as part of the feasibility study work plan approval. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.03 and R18-7-201 through R18-7-209 and require site inspection. Tables 19 and 19-S show 21 business days (approximately 1 month) for the administrative completeness review time-frame and 63 business days (approximately 3 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(4) WQARF standard remedial action plan (RAP) approval. This license is authorized and identified at A.R.S. §§ 49-282.06 and 49-287.04. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Departmental approval of risk assessment-derived cleanup levels or waiver of other regulatory or permit conditions is conducted as part of the RAP approval and memorialized with the rest of the approval in a Record of Decision. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.04 and R18-7-201 through R18-7-209 and require site inspection. Tables 19 and 19-S show 21 business days (approximately 1 month) for the administrative completeness review time-frame and 105 business days (approximately 5 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(5) WQARF complex remedial action plan (RAP) approval. This license is authorized and identified at A.R.S. §§ 49-282.06 and 49-287.04. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Departmental approval of risk assessment-derived cleanup levels or waiver of other regulatory or permit conditions is conducted as part of the RAP approval and memorialized with the rest of the approval in a Record of Decision. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.04 and R18-7-201 through R18-7-209 and require site inspection. Tables 19 and 19-S show 21 business days (approximately 1 month) for the administrative completeness review time-frame and 146 business days (approximately 5 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(6) WQARF determination of no further action approval. This license is authorized and identified at A.R.S. § 49-287.01. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. §§ 49-287.01(F) and 49-287.01(G) and require a site inspection. Tables 19 and 19-S show 42 business days (approximately 2 months) for the administrative completeness review time-frame and 84 business days (approximately 4 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(7) WQARF site rescoring approval. This license is authorized and identified at A.R.S. § 49-287.01(F). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-287.01(F) and require a site inspection. Tables 19 and 19-S show 21 business days (approximately 1 month) for the administrative completeness review time-frame and 42 business days (approximately 2 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(8) WQARF qualified business settlement approval. This license is authorized and identified at A.R.S. § 49-292.01(A). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-292.01(B) and require a Department-generated application form. Tables 19 and 19-S show 21 business days (approximately 1 month) for the administrative completeness review time-frame and 42 business days (approximately 2 months) for the substantive review time-frame.

(9) WQARF financial hardship settlement approval. This license is authorized and identified at A.R.S. § 49-292.02(A). This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-292.02(B). Tables 19 and 19-S show 21 business days (approximately 1 month) for the administrative completeness review time-frame and 42 business days (approximately 2 months) for the substantive review time-frame.

(10) WQARF voluntary environmental mitigation use restriction (VEMUR) approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and no public hearing is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 10, license category 15 above, Tables 19 and 19-S show 15 business days for administrative completeness review and 47 business days for substantive review.

(11) WQARF VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by R18-7-207. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and no public hearing is required. Application components are identified at R18-7-207 and require a Department-generated application form. Following the analysis and discussion under Table 10, license category 16 above, Tables 19 and 19-S show 15 business days for administrative completeness review and 27 business days for substantive review.

20) Table 20: Voluntary Program Remediation Licenses

The Department issues the following licenses which are subject to licensing time-frame requirements as part of the state's voluntary remediation program (VRP) in accordance with A.R.S. §§ 49-104(A)(17) and 49-282.05, the state's greenfields pilot program in accordance with A.R.S. §§ 49-153 through 49-157, and the state's soil remediation program in accordance with A.R.S. §§ 49-151 through 49-152 and administered by the Department's Voluntary Sites Unit of the Waste Programs Division. The following numbered license categories appear on Table 20 with the same corresponding numbers shown in parentheses. Those categories not shown with category numbers are not included in today's rule. The arrangement of licenses categories on this table is as follows.

Group I: Voluntary program acceptance license.
Voluntary program eligibility determination (1).

Group II: Voluntary program greenfields remediation license.
Greenfields notice-to-proceed (NTP) approval (2).

Group III: Voluntary program brownfields remediation license.
Voluntary program brownfields certification (3).

The following groups and categories are not included in today's rule:

Group IV: Voluntary program WQARF remediation licenses.
Voluntary program WQARF remedial investigation work plan approval.
Voluntary program WQARF feasibility study work plan approval.
Voluntary program WQARF standard/complex remedial action plan (RAP) approval.
Voluntary program WQARF letter of completion.

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Voluntary program WQARF voluntary environmental mitigation use restriction (VEMUR) approval.
Voluntary program WQARF VEMUR cancellation.

Group V: Voluntary program nonlandfill solid waste remediation licenses.
Voluntary program standard/complex nonlandfill solid waste remediation work plan approval.
Voluntary program nonlandfill solid waste VEMUR approval.
Voluntary program nonlandfill solid waste VEMUR cancellation approval.

Group VI: Voluntary program special waste remediation licenses.
Voluntary program standard/complex special waste remediation work plan approval.
Voluntary program special waste VEMUR approval.
Voluntary program special waste VEMUR cancellation approval.

Group VII: Voluntary program hazardous waste remediation licenses.
Voluntary program standard/complex special waste remediation work plan approval.
Voluntary program hazardous waste VEMUR approval.
Voluntary program hazardous waste VEMUR cancellation approval.

Group VIII: Voluntary program leaking underground storage tank (LUST) remediation licenses.
Voluntary program standard LUST corrective action plan (CAP) approval without/with a public meeting.
Voluntary program complex LUST CAP approval without/with a public hearing.
Voluntary program LUST VEMUR approval.
Voluntary program LUST VEMUR cancellation approval.

All applicants for review under the voluntary program are charged application review fees. These applicants include “true volunteers” and “quasi-volunteers.”

True volunteers have no A.R.S. Title 49 remediation obligations but still desire Department review of the remedial activities. Failure by the Department to meet the time-frames on Table 20 will not result in refunds and excusals for true volunteer applications because such applications can never contain requests for a “permission required by law” as defined at A.R.S. § 41-1001(11).

Quasi-volunteers have A.R.S. Title 49 remediation obligations but have not yet been identified by the Department for enforcement. Failure by the Department to meet the time-frames on Table 20 will result in refunds and excusals for quasi-volunteer applications if the application contains a request for a “permission required by law” as defined at A.R.S. § 41-1001(11).

The Department recognizes that the distinction between “true volunteers” and “quasi-volunteers” will divide applicants in the voluntary remediation program into 2 groups depending on whether the applications are subject to Article 7.1 licensing time-frames or not. The Department expects this result, by necessity, to introduce a certain tension into the review activities of the program with applications subject to Article 7.1 taking review precedence over those not subject. This tension can be expected to increase as time-frames become shorter.

The Department solicited comment in the October 23, 1998, notice of proposed rulemaking on whether this analysis was legally sound and how the program should determine which applications are rightfully subject to Article 7.1 licensing time-frame requirements, and how the program should respond to the tensions inherent between applications subject to time-frames and those that are not. The Department received no comment. The difficulty in distinguishing whether an application is being made a true volunteer and thus cannot be subject to time-frames statute is one with important consequences. This is because these applications incur review fees. The refund of fees to persons not entitled to receive them is certain to involve violations of other statutes governing the handling and disposition of state monies. Until this matter can be successfully resolved, the high probability of true volunteers being applicants in these categories requires the Department to postpone inclusion of these categories in today's rule.

Group I: Voluntary program acceptance license. This group consists of 1 license category which is permission for a person to enter into the VRP rather than another Department program for oversight of the remediation.

(1) Voluntary program eligibility determination. This license is authorized and identified at A.R.S. 49-104(A)(17) and 49-282.05. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. 49-104(A)(17) and 49-282.05. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 42 business days (approximately 2 months) for the substantive review time-frame.

Group II. Voluntary program greenfields remediation license. This group consists of a remediation license issued by the Department's voluntary sites unit under the greenfields pilot program pursuant to A.R.S. §§ 49-153 through 49-157.

(2) Greenfields notice-to-proceed (NTP) approval. This license is authorized and identified at A.R.S. §§ 49-153 through 49-157. This license is not subject to sanctions because the Department collects no fees from applicants for its issuance. This is a Model D license because substantive review of uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-154(C) and require a Department-generated application form. Table 20 shows 5 business days (approximately 1 week) for the administrative completeness review time-frame and 5 business days (approximately 1 week) for the substantive review time-frame.

Group III. Voluntary program brownfields remediation license. This group consists of a remediation license issued by the Department's voluntary sites unit under the federal/state brownfields program.

(3) Voluntary program brownfields certification. This license is authorized and identified in the Governor's August 29, 1997 letter to the U.S.E.P.A. concerning the designation of the Department as a state environmental agency within the meaning of Section 198(c)(1)(C) of the federal Taxpayer Relief Act of 1997. This license is not subject to sanctions because the Department does not collect fees from applicants for its issuance. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at Section 198(c)(1)(C) of the federal Taxpayer Relief Act of 1997 and require a Department-generated application form. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 21 business days for the substantive review time-frame.

The following categories were identified in the October 23, 1998, notice of proposed rulemaking but are deleted in today's rule.

Group IV. Voluntary program nonlandfill solid waste remediation licenses.

(4) Voluntary program WQARF remediation licenses. This group consists of remediation license categories identical to the categories of licenses issued under the WQARF program except that applicants apply to the VRP for review of the remediation application in exchange for a fee. This group is not included in today's rule. The Department will conduct additional analysis and public comment on how it should properly handle the distinction between quasi- and true volunteers.

(5) Voluntary program WQARF remedial investigation work plan approval. This license is authorized and identified at A.R.S. §§ 49-282.05, 49-282.06 and 49-287.03. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.03 and A.A.C. R18-7-201 through R18-7-209 and require a Department-generated application form, site inspection and an initial fee. Application components are also identified at R18-7-108 and R18-7-109 which may be revised by a pending interim WQARF rule making. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 63 business days (approximately 3 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(6) Voluntary program WQARF feasibility study work plan approval. This license is authorized and identified at A.R.S. §§ 49-282.05, 49-282.06 and 49-287.03. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Departmental approval of a baseline risk assessment is conducted as part of the feasibility study work plan approval. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.03 and A.A.C. R18-7-201 through R18-7-209 and require a Department-generated application form, site inspection and an initial fee. Application components are also identified at R18-7-108 and R18-7-109 which may be revised by a pending interim WQARF rule making. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 63 business days (approximately 3 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(7) Voluntary program WQARF standard remedial action plan (RAP) approval. This license is authorized and identified at A.R.S. §§ 49-282.05, 49-282.06 and 49-287.04. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Departmental approval of risk assessment-derived

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cleanup levels or waiver of other regulatory or permit conditions is conducted as part of the RAP approval. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.04 and A.A.C. R18-7-201 through R18-7-209 and require a Department-generated application form, site inspection and an initial fee. Application components are also identified at R18-7-108 and R18-7-109 which may be revised by a pending interim WQARF rule making. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 105 business days (approximately 5 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(8) Voluntary program WQARF complex remedial action plan (RAP) approval. This license is authorized and identified at A.R.S. §§ 49-282.05, 49-282.06 and 49-287.04. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Departmental approval of risk assessment-derived cleanup levels or waiver of other regulatory or permit conditions is conducted as part of the RAP approval. Application components are identified at A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.04 and A.A.C. R18-7-201 through R18-7-209 and require a Department-generated application form, site inspection and an initial fee. Application components are also identified at R18-7-108 and R18-7-109 which may be revised by a pending interim WQARF rule making. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 146 business days (approximately 5 months) for the substantive review time-frame. If a public hearing is held the substantive review time is not increased because the hearing occurs concurrently with the other licensing activities.

(9) Voluntary program WQARF letter of completion. This license is authorized and identified at A.R.S. § 49-285(B). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified in statute at A.R.S. §§ 49-282.06, 49-285(B) and A.A.C. R18-7-201 through R18-7-209 and require a Department-generated application form, site inspection and an initial fee. Application components are also identified at R18-7-108 and R18-7-109 which may be revised by a pending interim WQARF rule making. Table 20 shows 42 business days (approximately 2 months) for the administrative completeness review time-frame and 84 business days (approximately 4 months) for the substantive review time-frame.

(10) Voluntary program WQARF VEMUR approval. This license is authorized and required by A.R.S. § 49-152(B) and governed by A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and no public hearing is required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis and discussion under Table 10, license category 15 above, Table 20 shows 15 business days for administrative completeness review and 47 business days for substantive review.

(11) Voluntary program WQARF VEMUR cancellation approval. This license is authorized and required by A.R.S. § 49-152(C) and governed by A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and no public hearing is required. Application components are identified in statute at A.R.S. § 49-152(C) and in rule at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis and discussion under Table 10, license category 16 above, Table 20 shows 15 business days for administrative completeness review and 27 business days for substantive review.

Group V. Voluntary program nonlandfill solid waste remediation licenses.

(12) Voluntary program standard nonlandfill solid waste remediation work plan approval. This license is authorized and identified at A.R.S. § 49-104(A)(17). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-104(A)(17) and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 63 business days (approximately 3 months) for the substantive review time-frame.

(13) Voluntary program complex nonlandfill solid waste remediation work plan approval. This license is authorized and identified at A.R.S. § 49-104(A)(17). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-104(A)(17) and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 84 business days (approximately 4 months) for the substantive review time-frame.

(14) Voluntary program nonlandfill solid waste VEMUR approval. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-152(B) and is governed under A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis pertaining to Table 10, license category 15 above, Table 20 shows 15 business days for the administrative completeness review time-frame and 47 business days for the substantive review time-frame.

(15) Voluntary program nonlandfill solid waste VEMUR cancellation approval. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-152(C) and is governed under A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis pertaining to Table 10, license category 15 above, Table 20 shows 15 business days for the administrative completeness review time-frame and 27 business days for the substantive review time-frame.

Group VI. Voluntary program special waste remediation licenses.

(16) Voluntary program standard special waste remediation work plan approval. This license is authorized and identified at A.R.S. § 49-104(A)(17). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-104(A)(17) and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 63 business days (approximately 3 months) for the substantive review time-frame.

(17) Voluntary program complex special waste remediation work plan approval. This license is authorized and identified at A.R.S. § 49-104(A)(17). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-104(A)(17) and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 84 business days (approximately 4 months) for the substantive review time-frame.

(18) Voluntary program special waste VEMUR approval. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-152(B) and is governed under A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis pertaining to Table 10, license category 15 above, Table 20 shows 15 business days for the administrative completeness review time-frame and 47 business days for the substantive review time-frame.

(19) Voluntary program special waste VEMUR cancellation approval. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-152(C) and is governed under A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis per-

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taining to Table 10, license category 15 above, Table 20 shows 15 business days for the administrative completeness review time-frame and 27 business days for the substantive review time-frame.

Group VII. Voluntary program hazardous waste remediation licenses.

(20) Voluntary program standard hazardous waste remediation work plan approval. This license is authorized and identified at A.R.S. § 49-104(A)(17). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-104(A)(17) and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 63 business days (approximately 3 months) for the substantive review time-frame.

(21) Voluntary program complex hazardous waste remediation work plan approval. This license is authorized and identified at A.R.S. § 49-104(A)(17). This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-104(A)(17) and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 84 business days (approximately 4 months) for the substantive review time-frame.

(22) Voluntary program hazardous waste VEMUR approval. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-152(B) and is governed under A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis pertaining to Table 10, license category 15 above, Table 20 shows 15 business days for the administrative completeness review time-frame and 47 business days for the substantive review time-frame.

(23) Voluntary program hazardous waste VEMUR cancellation approval. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-152(C) and is governed under A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis pertaining to Table 10, license category 15 above, Table 20 shows 15 business days for the administrative completeness review time-frame and 27 business days for the substantive review time-frame.

Group VIII. Voluntary program leaking underground storage tank (LUST) remediation licenses. This group consists of remediation license categories identical to the categories of LUST licenses issued under the underground storage tanks program except that applicants are not under enforcement, are not seeking state assurance fund (SAF) reimbursement, and apply to the VRP for expedited review of the remediation application in exchange for a fee.

(24) Voluntary program standard LUST corrective action plan (CAP) approval with no public meeting. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-1005. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public meeting is not required. Application components are identified at A.R.S. § 49-1005 and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 42 business days (approximately 2 months) for the administrative completeness review time-frame and 146 business days (approximately 7 months) for the substantive review time-frame.

(25) Voluntary program standard LUST corrective action plan (CAP) approval with a public meeting. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-1005. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components is required and a public meeting is required. Application components are identified at A.R.S. § 49-1005 and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 42 business days (approximately 2 months) for the administrative completeness review time-frame and 209 business days (approximately 10 months) for the substantive review time-frame.

(26) Voluntary program complex LUST corrective action plan (CAP) approval with no public meeting. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-1005. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public meeting is not required. Application components are identified at A.R.S. § 49-1005 and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 42 business days (approximately 2 months) for the administrative completeness review time-frame and 209 business days (approximately 10 months) for the substantive review time-frame.

(27) Voluntary program complex LUST corrective action plan (CAP) approval with a public meeting. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-1005. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model F license because substantive review of non-uniform application components is required and a public meeting is required. Application components are identified at A.R.S. § 49-1005 and require a Department-generated application form, site inspection and an initial fee. Table 20 shows 42 business days (approximately 2 months) for the administrative completeness review time-frame and 272 business days (approximately 13 months) for the substantive review time-frame.

(28) Voluntary program LUST VEMUR approval. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-152(B) and is governed under A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis pertaining to Table 10, license category 15 above, Table 20 shows 15 business days for the administrative completeness review time-frame and 47 business days for the substantive review time-frame.

(29) Voluntary program LUST VEMUR cancellation approval. This license is authorized and identified at A.R.S. §§ 49-104(A)(17) and 49-152(C) and is governed under A.A.C. R18-7-207. This license is subject to sanctions because the Department collects fees from applicants for its issuance, those fees are deposited into a Department fund and the application requires substantive review. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at R18-7-207 and require a Department-generated application form and an initial fee. Following the analysis pertaining to Table 10, license category 15 above, Table 20 shows 15 business days for the administrative completeness review time-frame and 27 business days for the substantive review time-frame.

21) Table 21: Pollution Prevention Licenses

a. Licenses subject to Article 7.1 licensing time-frame requirements.

The Department issues the following license as part of the state pollution prevention program in accordance with A.R.S. §§ 49-961 through 49-973 and administered by the Department's Pollution Prevention Section of the Waste Programs Division. This license is subject to time-frame requirements.

(1) State agency hazardous waste generation level pre-approval. This license is authorized and identified at A.R.S. § 49-972(C). This license is not subject to sanctions because the Department does not collect a fee for the review of applications. This is a Model E license because substantive review of non-uniform application components is required and a public hearing is not required. Application components are identified at A.R.S. § 49-972(E). Table 21 shows 63 business days (approximately 3 months) for the administrative completeness review time-frame and 63 business days for the substantive review time-frame. The Department has no experience with this license as no applications have been received to date. The times are set to correspond to other pollution prevention plan licenses.

b. Licenses not subject to Article 7.1 licensing time-frame requirements.

All other licenses issued by the Department's Pollution Prevention Section of the Waste Programs Division are not subject to Article 7.1 because they are granted by default should the Department not make a licensing decision within a fixed time.

22) Table 22: Multi-Program Licenses

Application for the following license requires review by more than 1 Department program. This license is subject to licensing time-frame requirements.

(1) Airport construction & expansion certificate (air & water). This license is authorized and identified at A.R.S. § 49-104. This license is not subject to sanctions because the Department does not collect a fee for the review of applications. This is a Model E license because substantive review of non-uniform application components is

required and a public hearing is not required. Application components are identified at 49 U.S.C. § 2208(7)(A). Table 22 shows 21 business days (approximately 1 month) for the administrative completeness review time-frame and 42 business days (approximately 2 months) for the substantive review time-frame.

7. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

Not applicable.

8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

9. **The summary of economic, small business, and consumer impact:**

CONTENTS of this Summary:

A. Rule identification

B. EIS approach

C. Introduction and summary of impacts

D. Analysis of costs and benefits

- 1) Applicants (public and private)
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- 3) Other entities
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Table 1: Cost-effectiveness analysis: general summary of costs and benefits

G. Costs and benefits of specific rule provisions

A. Rule Identification

The Licensing Time-frames (LTF) rulemaking will be codified as follows in the A.A.C.:

Title 18. Environmental Quality

Chapter 1. Department of Environmental Quality - Administration

Article 5. Licensing Time-frames

B. EIS Approach

The complete EIS is available through the Department. It consists of 7 parts (I - VII), 3 tables, 4 appendices, and several pages of literature references and comments. Examples of expected cost-saving benefits are included in Part V. Table 1, "Cost-Effectiveness Analysis: A General Summary of Costs and Benefits," which is the 1st of 3 tables, immediately follows Part VII. It presents a summary of the probable impacts of this rulemaking. Tables 2 and 3, which respectively present mitigation measures incorporated by this rulemaking and licensing processing elements expected to change or to remain the same, provide useful information to better understand LTF.

Relevant topics and theory have been introduced and included in this EIS, primarily in appendices. This was included as necessary background information. The following topics are summarized in Appendices A through D: economic development; market deficiency and environmental externalities; licensing theory; and government intervention. These topics are vital for understanding the economic, social, and political perspective of licensing and how it relates to government intervention.

Because many of the impacts are unquantifiable or unclear, this EIS represents a cost-effectiveness analysis, a subset of the more formal cost-benefit analysis. This alternative was used because the Department cannot monetize or quantify all impacts of this rulemaking. Although it cannot substantiate by what ratio probable benefits might exceed overall costs or when this might occur, it can show the relative impacts in terms of assigned monetary ranges.

C. Introduction and Summary of Impacts

Regulated entities have expressed their concerns about government agencies not processing license applications in a timely manner. Part of this concern is based on the fact that when license approvals are not made in a timely manner, it potentially can cost the regulated entities money. These costs can be a direct result of interest paid on borrowed monies, reduced competitive positions, sunk benefits from delayed or postponed construction or other operations, lost resources, and other political and economic costs. As a result, Article 7.1 was added by Laws 1996, Ch. 102 § 42, codified at A.R.S. §§ 41-1072 through 41-1078, becoming effective July 20, 1996, and amended by Laws 1998, Ch. 57, §§ 52-55. The principle is to secure accountability of state agencies to process applications within established time-frames.

The central issue, at least with the Department, is to provide regulated entities with certain assurances, described by the terms "clarity" and "certainty." For "clarity," it means the Department will identify what is required in license applications to entitle applicants to license approvals. For "certainty," it means that the Department will provide certain notifications to applicants and that their applications will either be denied or approved within the established time-frames by license category.

As a result of these assurances, there is a very likely probability that program efficiency will increase which will benefit both the Department and applicants. Improvements to make the Department's licensing process more efficient are expected to contribute to the overall potential for benefits to accrue. Together, these licensing controls and program improvements should provide direct, cost-saving benefits to regulated entities and secondary benefits to the general public.

Applicants are expected to experience impacts in varying degrees, but with little or no impact for many applicants. Except for the possibility that better prepared applications could result in licenses being issued in shorter times, the Department expects little or no impact to accrue to many applications submitted under LTF. However, the Department expects significant cost-saving benefits to accrue to several categories of licenses that previously would have been the applications classified as inadequate or pending, that is, applications unapprovable as submitted or incomplete due to lack of timely responses.

Applicants, including federal and state agencies, municipalities, and universities, who are applying for a variety of licenses, are expected to be primarily impacted by this rulemaking. Probably, the group of public entities most likely to be significantly impacted is the small- and medium-sized municipalities operating wastewater treatment plants and drinking water facilities. The Department expects these entities will have increased application costs as a result of preparing approvable applications for their initial submittal to the Department. "Approvable" application means a complete application with all components as required by statute or rule at the time the application is submitted to the Department. This also would include the application fee, as appropriate to the license category.

As a result of LTF and the numerous changes that must occur to the licensee-licensor relationship, the Department perceives that more pressure will be exerted on applicants, particularly at the front-end of the process. But the decrease in uncertainty over licensing requirements (clarity) and timely decisions by the Department (certainty) should help to off-set many of the potential negative consequences of the new scenario under LTF. The Department expects that the improved planning process necessitated by this rulemaking and the flexibility provided by the mitigation measures incorporated into LTF will generate these cost-saving benefits.

Other entities impacted include the Department (implementing agency), the consulting industry, and others directly involved in the preparation of applications and the license process. Secondary impacts, for example, include both costs and benefits upon the construction industry, consultants, engineers, and suppliers. Therefore, the Department expects these secondary impacts to occur to various sectors of the economy: manufacturing; construction; wholesale trade; finance, insurance, and real estate; transportation; government; and private households. Some of these sectors are expected to be impacted in an unquantifiable manner due to the multiplier effect. In the most basic terms, license applicants (private and public licensees), consultants, and the Department will be the primary entities directly impacted. However, as just indicated, other entities, such as private households, investors, suppliers, contractors, and consultants are expected to experience secondary impacts from the consequences of LTF. Again, consultants are included here, but under a different purpose; namely, the role of providing consultants' services for construction activities that must be undertaken sooner rather than later.

Private households, comprising the general public, are expected to experience secondary benefits under LTF. At least 3 benefits can be identified. First, the public, as well as the environment, is expected to benefit from a more efficient licensing process (license certainty and clarity). Part of increased efficiency may include better regulated emissions, and perhaps, less pollution overall. Second, the public also may benefit from the potential for permit conditions (pollution control devices/equipment and facility improvements) to be in place sooner rather than later. Although this may not represent an incremental benefit, it nevertheless could provide public health benefits. Third, the Department does not expect this rulemaking to create costs that would be passed-on to consumers, but if some entities do pass-on

costs, the impact probably should not be viewed as incremental, especially if it means expenditures were made sooner rather than later.

The Department has incurred costs due to implementing LTF. In addition to rule promulgation costs (representing sunk costs), the Department has developed and implemented a licensing tracking system. Other costs have included program assessments for improvements and changes to past and current procedures, public participation, training, and implementation. Some of these costs will be on-going as part of the licensing process, while others will represent one-time costs.

Expected program changes will result in certain benefits to the Department. For example, the Department will not continue to make repeated requests for information from applicants, including numerous requests for the same type of information. Grossly unapprovable applications must simply be denied. The Department expects this will create a moderate to substantial impact on certain applicants and a similar impact on resource savings for the Department. Other program changes are expected to bring about improved efficiency, such as improved workload management. Together, these changes are expected to diminish public dissatisfaction and improve employee satisfaction, thereby lowering turn-over a significant benefit.

The potential for cost-saving benefits, elevated program satisfaction, and improved quality of life, leading to increased utility, represent central goals that could be achieved by LTF. The preliminary conclusion by Department staff, following months of conducting public workshops, doing investigations, and talking with the regulated community, is that probable long-term benefits should outweigh probable costs of this rulemaking. Potential cost-saving benefits to applicants could reach several millions of dollars due to changes in the Department's licensing process. For example, a reduction in the time it takes an applicant to prepare an approvable application and subsequently be granted license approval could save a large number of hours for both in-house time and consultants' time. In addition, time-saving benefits may be directly translated into interest saved for some applicants. Thus, coupled with improved planning, the potential exists for applicants to save thousands of dollars on interest charges. This also applies to various advantages that may accrue due to starting business activities sooner as the result of an earlier licensing approval.

Based on information from a few commenters, it is very likely that long-term benefits could exceed costs by a ratio of 10:1, which in actuality, may be more or less than this ratio. But these benefits are expected to accrue gradually at an increasing rate. Thus, costs initially may exceed short-term benefits for an unknown time-frame. The Department expects that the mitigating factors will likely shorten the time lag when probable benefits exceed probable costs under LTF.

D. Analysis of Costs and Benefits

Table 1 presents a general summary of costs and benefits of this rulemaking. This table is not intended to show how much benefits are expected to exceed costs or at what point in time. For example, many cost-saving benefits expected to accrue to applicants may not occur in the short term. Applicants may initially face increased costs, but eventually benefits are expected to exceed all costs, both Department and applicant costs. This same table appears in the complete EIS

1) Applicants (Public and Private)

LTF establishes new application standards and procedures that will impact applicants in varying degrees (both private and public). For example, it places increased and new obligations upon licensees, such as submitting an approvable application up-front, that is, on the initial day with the appropriate fee. But these requirements should not be viewed as restrictive or overburdening because they have the potential to facilitate opportunities for cost-saving benefits to accrue to many applicants. However, this is not expected without a significant increase in costs to some applicants and the Department as well. Moreover, not all benefits will accrue automatically or even equally to all applicants. The impact of these measures represents cost-saving benefits to applicants.

The impact to applicants, mainly private businesses, could be significant although many applicants may not notice much of an impact. For instance, timely licensing decisions will continue to be made by the various Department programs. In some cases, the time from application preparation to approval could be shortened from historical averages. For some of these applicants, the time spent preparing an approvable application could be reduced, thereby representing a significant cost-saving benefit. However, no matter what the impact may be, it is the applicant's responsibility to submit a complete and approvable application up-front. If an applicant does not do this or does not comply with a request for additional information, the application probably must be denied. This could lead to a re-submitted application and additional fee or to compliance or enforcement action.

On the negative side, some applicants could be impacted in a detrimental way. These could be applicants unable or unwilling to comply with the new application standards and procedures. For example, a few applicants may encounter increased costs for application preparation. These costs could accrue from increased in-house costs, but most

likely they could accrue from a perceived need to hire consultants to prepare approvable applications. Additionally, an unknown number of applicants could be faced with application denials, re-submittal fees, enforcement actions, and other negative impacts that could result in lost time, and perhaps, lost opportunities for them.

LTF's potential impact on applications that are already pending with the Department on the effective date of this rule-making is noteworthy. This rulemaking will apply only prospectively: applications received after the effective date of the rules will be subject to the time-frames and processing requirements provided in the rule provisions. LTF will not apply to applications that are pending with the Department prior to this rulemaking's effective date. Rule provisions do provide an opportunity for applicants with already pending applications to enter into opt-in agreements and thereby become subject to LTF.

An analysis of the already received applications that have been pending for any length of time indicates that causes of delay have been those already described in greater detail in the preamble. For example, the causes of delay could include the following: incomplete applications that were submitted initially, applicants that have failed to respond to requests for additional information or data, or disputes between the Department and the applicant about whether a certain application component is required or not. For some applicants with already pending applications, the delays that have occurred in the permitting process have operated to delay expenditures for application components and, ultimately, for the capital expenditures necessary to bring a facility into compliance with the license.

While LTF does not strictly apply to these existing applications, the Department must nevertheless treat all applicants (those subject to LTF and those not) in a reasonably consistent way. Therefore, the reasons for delay that will no longer be allowed to exist under the LTF statutes and rules, will have to be eliminated by practice of the Department as it addresses existing applications. Additionally, the Department expects that some entities in the future probably will have to incur capital expenditures sooner rather than later.

Several commenters have estimated that this rulemaking can potentially save significant costs to them during the application process. For example, 1 environmental manager estimated that 30% may represent a typical savings on license applications under LTF. This estimate was based on a mining expansion project which required an aquifer protection permit (APP) that potentially could have saved nearly \$100,000 if license requirements would have been more clearly defined and the review process better managed. The conclusion is that when application requirements are unclear and the process is inefficient, a variety of costs increase such as opportunity, consulting, staff time, legal, and engineering, procurement, and construction management.

Another example cited by a commenter is that at least 90 hours per application could be saved under this rulemaking for certain categories. This estimate is based on hourly time savings for preparing the application and responding to application deficiencies. Applying an hourly rate of \$100 to \$200 per hour, equates to a savings of \$9,000 to \$18,000 per application. Therefore, 1,000 applicants potentially could save \$9 to \$18 million. The amount of savings will vary by category of application and other qualifications. For instance, a commenter said that "thousands of hours" could be spent on certain categories of licenses. Thus, some license categories could save considerably more time than the 90-hour average just cited. But another way to view application savings is to look at an overall reduction in costs. For example, some commenters suggested that as much as 10% in overall application costs could be saved under LTF.

The conclusion drawn from these illustrations is that even a relatively small savings per application could translate into enormous savings across the 8,500 to 11,000 annual universe of applicants, easily representing millions of dollars in benefits. Thus, if an average application savings would turn out to be 90 hours per application, an overall savings for only 8,500 applicants, at a rate as low as \$100 per hour, would be \$76.5 million. Using a greater hourly rate or applying a greater amount of time saved per application could increase the amount of savings proportionately.

2) Department (Implementing Agency)

The Department expects to make (and is currently making) pervasive program changes as a result of this rule making. These changes, which mainly pertain to licensing processing procedures, will result in potential costs and benefits to accrue to many businesses applying for licenses. A couple of important changes include implementing a variety of efficiency measures and improved program management due to the new tracking system. Furthermore, the Department perceives that applicant benefits can be enhanced by minimizing application denials and assisting applicants to correct deficiencies. These benefits are expected to be increased by the mitigating measures incorporated into LTF. These measures were designed to increase applicant flexibility. Any reduction in applicant flexibility must result in decreased benefits and a lower cost-benefit ratio than anticipated. In addition, benefits may be accomplished through pre-application help, compliance assistance, and other outreach activities.

Department staff expects the various program changes which will need to be made as a result of LTF, and the 5 anticipated changes identified below will generate cost-saving benefits to many applicants, despite the potential for some applicants' times and costs to substantially increase in order to prepare an approvable application up-front.

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1. Receiving a licensing decision within a known time-frame (certainty),
2. Knowing for certain what application components will be required, as specified in statutes or rules (clarity),
3. Approving a greater volume of applications within traditional time-frames and not maintaining a pending application status,
4. Approving or denying applications for some licenses in shorter times than traditionally has been the case, and
5. Correcting defective applications sooner and enabling initial applications to be administratively complete and approvable with minor or no additional information required.

As a result of these changes, reduced delays and time spent on preparing applications (including both in-house time and consultants' time) are expected to decrease across several license categories, although not all categories. Collectively, this change has the potential to generate millions of dollars in savings to several categories of applicants.

This rulemaking will impose costs upon the Department. In addition to the opportunity cost of promulgating this rule (representing a sunk cost), specific elements include the following: developing and implementing a tracking system; performing training; providing applicant assistance and education; sending notifications to applicants; and doing other activities, such as appeals, compliance, and enforcement. The add-on component to the Arizona Unified Repository for the Informational Tracking of the Environment (AZURITE) was developed at an approximate cost of \$175,000.

Furthermore, Department staff anticipates it will need additional resources to effectively implement this rule. A Central Data Management Group (CDMG) has been established. The CDMG is the core system for managing applications. This group will record events and send notifications. This includes starting and stopping time-frame clocks. Even though some applicant notifications previously were issued by program staff, the new requirements mandated by this rule will make these notifications vital to the proper management of applicants. Thus, this is considered an incremental cost to the Department. However, improved management will help to off-set these costs.

Many Department costs are expected to be off-set somewhat by benefits accruing from improved workload management and increased efficiency of the programs. Department staff expects various program changes to bring about increased efficiency, including reduced review times per application for some categories of licenses. This is an expected result of applicants submitting approvable applications up-front. Refer to Table 1.

Sanctions could be imposed if the Department fails to make timely licensing decisions by not denying or approving licenses within the set time-frames. Sanction costs include the following: refunds of review fees paid, excusals of further licensing fees, and payments of 1 percent of the fees to the state general fund each month decisions are not made on applications. A direct result of sanctions could be a reduction of staff if funding is reduced for those programs that would be most negatively impacted by sanctions. However, Department staff expects the potential for sanctions to be less than ½ of 1% of all applications subject to sanctions. This goal is based on the refund rate experienced by a similar law in effect in Massachusetts since 1991, but which only applies to its department of environmental protection.

3) Other Entities

The Department also expects these changes to generate costs and benefits both directly and indirectly to the consulting industry as previously explained. Although decreased revenues potentially could occur for the consulting industry due to reduced times necessary to prepare approvable applications or to cure defective applications, any losses are expected to be off-set by the increased demand for consulting services by other businesses or political subdivisions. The proportion of this offset is unknown at this time. Other indirect impacts also are expected for many of the entities previously identified.

Political subdivision applicants (municipalities or counties) likely will incur increased costs for submitting higher quality applications or face increased costs of denials, and perhaps, enforcement activities. The impacts to this group, as well as other public entities, are included with the impacts to all applicants. Some entities may have to hire additional staff and secure consultants' services.

Some long-term, indirect benefits could accrue to the general public without any anticipated costs. For example, potential benefits could accrue to the public as a result of avoided health incidents and averted environmental damages. This could result from the Department approving certain applications more quickly and applicants correcting defective applications sooner to make them approvable. The overall result could lead to lowered emissions and discharges by certain businesses that would come into compliance sooner rather than later. It also would mean adhering to all licensing restrictions. A caveat, however, is that part of these benefits could be contingent upon certain businesses doing things in a more timely manner than historically may have been the case. Examples would include the following: detecting problems earlier, installing pollution control equipment sooner, and performing adequate monitoring. Some of these potential benefits would not be considered incremental.

4) Employment and Related Impacts

The expected impact of LTF upon employment, revenues, and payroll expenditures (both public and private), as well as the probable effect on state revenues, is summarized here. Because LTF is expected to create a more formalized licensing process and to create additional pressure on applicants, the Department expects it will create a need for additional employee involvement in preparing approvable applications, as well as increased use of consultants' time. To what extent new employees will be added is unknown. A possibility for some entities would be to use employees not normally involved in the application process. Another option would be to contract with consultants to prepare applications or to assist with the preparation.

Even though the possibility does exist for cost savings in total hours spent preparing applications, and hence 1 impact would be reduced consultants' time, the Department actually expects the net use of consultants time to increase. It is unknown how the response will differ between private and public entities. However, as indicated in this EIS, some political subdivisions could be adversely impacted by the new licensor-licensee process. The most likely response may be to increase the practice of using consultants. Thus, for some entities, expenditures may increase, but the potential exists for such costs to be more cost-effective.

Overall, this rule is expected to reduce costs and provide cost-saving benefits to many applicants. Thus, revenues actually could be conserved by many entities. The need for hiring consultants, however, is likely to increase expenditures by many entities with a corresponding increase in revenues going to consultants. Depending upon the actual demand, some consultants may have to hire new employees. The conclusion is that this rule should have a positive impact on the economy, particularly if one considers the potential impact of the multiplier effect on the various sectors of the economy (called secondary or indirect impacts).

The Department has used considerable resources to develop, promulgate, and implement this rule. In addition, it has requested additional full-time employee equivalents (FTEs) and equipment in fiscal years 2000 and 2001 to effectively implement this rule. It will be funded from the state general fund. Although past expenditures not only to develop this rule, but to develop the tracking system and to perform training and other related activities may be viewed as sunk costs as far as social impacts are concerned, once this rule is effective, the costs to process applications will become real costs to this agency. Refer to Table 1.

Some of these costs will be off-set by improvements and efficiency measures incorporated into the programs. However, the FTE costs, and other related costs, are needed to effectively implement LTF. The net cost to the Department, which is unknown at this time, only would be those costs associated with this rulemaking less the costs associated with the prior licensing process. Some of the Department costs may not be directly attributable to this rulemaking because additional employees may have been needed to effectively review applications. Hence, prior "underfunding" issues may cloud this issue, especially in light of the increasing demand for application reviewers in some programs.

E. Small Business Impacts and Reductions

Small business is defined in statute as an independently owned and operated concern, including its affiliates, which is not dominant in its field and that employs fewer than 100 FTEs or which had gross annual receipts < \$4,000,000 in its last fiscal year (A.R.S. § 41-1001(20)). Considering the fact that the majority of business employ fewer than 100 employees, most of the entities impacted by this rulemaking could be classified as small businesses. However, considering the other criteria, this proportion would decrease by some unknown amount, but it would include the majority of businesses.

The Department is sensitive to the concerns of small businesses and the impact this rulemaking could have upon them. Accordingly, the Department has considered each of the methods prescribed in A.R.S. § 41-1035 for reducing the impact on small businesses. Likewise, the Department has considered each of the methods prescribed in A.R.S. § 41-1055(B)(5)(c). For example, A.R.S. § 41-1035 requires agencies implementing rules to reduce the impacts on small businesses by using certain methods where legal and feasible. Methods that may be used include the following: (1) Exempt them from any or all rule requirements, (2) Establish performance standards which would replace any design or operational standards, or (3) Institute reduced compliance or reporting requirements. The latter method could be accomplished by establishing less stringent requirements, consolidating or simplifying them, or by setting less stringent schedules or deadlines. Refer to the proposed rule in *Arizona Administrative Register*, vol. 4, # 43 (October 23, 1998), pp. 3112-3114, for a description of the rule impact reduction analysis that was previously performed.

The Department could not provide additional regulatory relief for small businesses beyond what has been established for all applicants. The Department has no authority to exempt a small business, or even establish a less stringent standard or schedule for this class. Finally, all of the cost-saving benefits incorporated into this rulemaking are equally available to all entities, and not just large businesses.

F. Data Limitations

The Department has evaluated information from commenters. In addition, applicants were contacted and asked about costs and benefits. Although anecdotal illustrations have been included, the Department found it difficult to quantify all of the impacts upon the various entities. Table 1, "Cost-Effectiveness Analysis: General Summary of Costs and Benefits," which follows, identifies the wide variety of impacts and indicates these potential impacts by dollar ranges. Some applicants may not be impacted, particularly those that submit a complete and approvable application up-front, but others may be significantly impacted. One concern to some applicants may be the potential for a loss of their shield from enforcement, such as APP and hazardous waste applicants.

Other than anecdotal illustrations and comments from participants in the rulemaking process, the Department has been unable to secure adequate data for a complete evaluation of costs and benefits. Nonetheless, the Department has identified certain areas which could generate both cost-saving benefits and increased compliance costs for many applicants. The Department's overall conclusion is that "clarity" and "certainty" will generate significant savings to applicants. Examples show that many hours of in-house time and consultants' time could be saved in preparing better applications. Although several cost-saving benefits have been derived in this EIS, the Department is unsure of what the average savings per application actually might be in the future. Additionally, the Department neither can predict what saving might accrue to the Department nor what the amount of sanctions might be as a result of LTF.

Table 1. Cost-Effectiveness Analysis: General Summary of Costs and Benefits

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Description of Impacts (by designated entities)	Increased Costs/ Decreased Revenues	Decreased Costs/ Increased Revenues (Benefits)
<p>NOTE: Department staff expects the discounted stream of benefits accruing to businesses to outweigh their discounted stream of costs by an unknown ratio, but benefits could exceed costs many times.</p>		
<p>DEPARTMENT (implementing agency)</p> <p>Rule promulgation costs with facilitated focus groups and workshops, as well as the various implementation costs (sunk costs)</p> <p>Development of the licensing tracking system (AZURITE add-on system--\$175,000)</p> <p>Tracking system training and related costs</p> <p>Notifications (administrative and other functions related to licensing management)</p> <p>Outreach and application assistance</p> <p>Untimely license decisions (sanctions)</p> <p>Budget request for fiscal years 2000 and 2001 (budget request for 2000 which includes 8 FTEs is \$ 1,550,900 and for 2001 which includes 8 additional FTEs is \$ 1,155,300)</p> <p>Improved workload management (expected to partially offset administrative costs)</p> <p>Resource savings (mainly from denying unapprovable applications)</p> <p>Appeals and compliance activities</p> <p>Enforcement activities</p> <p>Increased employee satisfaction and retention</p>	<p>Minimal to Moderate</p> <p>Minimal</p> <p>Minimal</p> <p>Moderate</p> <p>Minimal</p> <p>Minimal</p> <p>Substantial</p> <p>Minimal</p> <p>Minimal</p>	<p>Moderate</p> <p>Moderate to Substantial</p> <p>Unquantifiable</p>
<p>BUSINESSES (all applicants, including private and public entities)</p> <p>Application preparation (increased costs)</p> <p>Application preparation (reduced costs for clarity and certainty))</p> <p>Application denials and related costs (increased costs)</p> <p>License approvals (reduced costs for a variety of reason as explained in this EIS)</p> <p>Appeals and compliance activities</p> <p>Enforcement</p> <p>Untimely license decisions (free licenses)</p> <p>Increased Department satisfaction</p>	<p>Substantial</p> <p>Moderate to Substantial</p> <p>Minimal to Moderate</p> <p>Minimal to Moderate</p>	<p>Substantial</p> <p>Substantial</p> <p>Minimal</p> <p>Unquantifiable</p>
<p>GENERAL PUBLIC (society)</p> <p>Improved quality of life (increased utility)</p> <p>Increased risk (denied applications and related activities)</p> <p>Improved satisfaction with licensing process</p>	<p>Unquantifiable</p>	<p>Unquantifiable (positive impact to health and the environment)</p> <p>Unquantifiable</p>

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CONSULTANTS Although decreased revenues potentially could occur due to less time spent preparing applications, the net effect is expected to be increased revenues from additional clients Increased risk for applicants being denied	Substantial Unquantifiable	Substantial
Total Net Cost or Benefit	Substantial	Substantial

KEY: Minimal < \$250,000; Moderate \$250,000 - 1,000,000; Substantial > \$1,000,000.

G. Costs and Benefits of Specific Mitigation Measures in the Rule.

This summary was presented in October 23, 1998, notice of proposed rulemaking at §8(C) and contains analyses of the impacts to costs and benefits should certain provisions be altered or deleted. The EIS was prepared upon the assumption that all the following mitigation impacts contained in the rule for the benefit of applicants would be in place. The Department stated that it believed that deletion or substantial change to these mitigation measures would require reanalysis of the EIS.

Mitigation contained in the proposed rule, but not specifically identified in the LTF statute, included the following measures. The Department believed that the deletion of any would cause the cost-benefit analysis to tip adversely in regards to applicants and the other non-Departmental primary and secondary impacts identified above.

1) Pre-application and changed application agreements. These provisions were shown at R18-1-508 and R18-1-511 and provide mechanisms to allow a certain degree of flexibility by applicants to adjust their application proposals to the constraints of the licensing requirement process. The Department believed that deletion of these provisions would result in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase included the payment of additional application fees due upon refiling, the expenditure of additional time on 1 or more subsequent applications, and the delay in obtaining the desired license.

These provisions remained unchanged in today's rule.

2) Reactivated and opt-in application agreements. These provisions were shown at R18-1-512 and R18-1-513 and provided mechanisms to allow applicants certain opportunities to subject the remaining term of their applications to this rule. The Department was not certain what the exact costs and benefits of these provisions were in isolation. These provisions were included in the proposed rule due to numerous requests made at public workshops on this rule that they be included. In operation, applicants would enter into them only if they believed it advantageous to do so. This means that applicants would believe the provisions to offer positive cost-benefit results. For this reason, The Department believed that deletion of these provisions would be perceived by applicants as resulting in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase included the delay in obtaining the desired license.

The opt-in agreement remains in today's rule but not the reactivation agreement. The reactivation agreement is deleted because all lapse provisions have been deleted from the rule. The Department does not believe this to be a substantial change.

3) Suspension of time-frames pending payment of fees or receipt of applicant's signature. These provisions were shown at R18-1-514 and provided a mechanism to allow these required application components to be submitted outside the administrative completeness review time-frame. This allowed the Department to harmonize licensing time-frames statutory requirements with other statutory requirements of various licensing programs. The requirements imposed on applicants were required to occur after the Department, in effect, had made its actual licensing decision but before it might make the licensing decision final and effective. The Department believed that deletion of these provisions would result in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase included either the extension of all licensing time-frames for all affected categories to allow these required end-of-review activities to take place while the clock is running or the discouragement of applicants from submitting application proposals that might invoke these requirements.

These provisions are deleted from today's rule because GRRC has determined that these provisions are not within the Department's authority to promulgate. This results in an unavoidable net increase in costs to applicants.

4) Suspension of time-frames due to a changed application. This provision was shown at R18-1-515 in the proposed rule and provided a mechanism to allow a certain degree of flexibility by applicants to adjust their application

proposals to the constraints of the licensing requirement process. The Department believed that deletion of this provision would result in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase included the payment of additional application fees due upon refiling, the expenditure of additional time on 1 or more subsequent applications, and the delay in obtaining the desired license. The alternative was to deny and require the applicant to resubmit a new application as now revised by the applicant.

These provisions are deleted from today's rule because GRRC has determined that these provisions are not within the Department's authority to promulgate. This results in an unavoidable net increase in costs to applicants.

5) Reassignment of license category. This provision was shown at R18-1-516 in the proposed rule and provided a mechanism to allow a certain degree of flexibility by applicants in choosing which license category to begin the processing of an application subject to licensing time-frames. This provision allowed the Department to correct and shift the identification of the proper category for each application so that the applicant is not required to withdraw and resubmit in a category different from the 1 initially selected. The Department believed that deletion of this provision will result in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase included the payment of additional application fees due upon refiling, the expenditure of additional time on 1 or more subsequent applications, and the delay in obtaining the desired license.

This provision remains in today's rule.

6) Application lapse, withdrawal, and lapse date extension request. These provisions were shown at R18-1-517 and provided mechanisms to allow a certain degree of flexibility by applicants to adjust their application proposals to the constraints of the licensing requirement process and to provide certainty in the resolution of late applicant response sufficient to allow the Department to decrease many of the licensing time-frames shown in this proposed rule. The Department believed that deletion of these provisions would result in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase included the payment of additional application fees due upon refiling, the expenditure of additional time on 1 or more subsequent applications, and the delay in obtaining the desired license. In addition, deletion would require the Department to extend the time-frame periods for most of the categories shown in this proposed rule in order for the Department to relearn application proposals when an applicant is so late in its response that the Department would not be likely to recall or otherwise be able to make use of review work already done but must redo some or all of the review work in order to get back up to speed on the application. The Department currently has certain applications still pending after more than 20 years after issuing requests for additional information.

These provisions are deleted from today's rule because GRRC has determined that these provisions are not within the Department's authority to promulgate. This results in an unavoidable net increase in costs to applicants. The Department has not extended time-frames in response to this deletion and, upon reconsideration, the Department now understands that it must continue to review applications in suspension to determine when an applicant has failed to respond for such a long time, that the submission of a response now (and resumption of the time-frames) is not longer feasible for the reasons stated above. The Department must now take steps to issue licensing decisions (to deny) rather than continue to wait for a reply.

7) Emergencies and upset conditions. This provision was shown at R18-1-518 in the proposed rule and provided a mechanism to allow the Department to reduce licensing time-frame periods for most categories. This is because this provision reduced Department risk in anticipating certain events outside its control. In this regard, other statutes required the Department to shift its risks to applicants either due to legal fiduciary requirements inherent in fee-funded programs or the general limitations imposed by the public finance statutes. For example, state law required an agency to take certain steps to preserve state monies. For fee-funded programs, this also included the preservation of fee collection in order to fund the ongoing operation of the program for the benefit of future applicants. The Department had identified applicants as the primary beneficiary of this provision in that in exchange for the Department having the ability to maintain the viability of programs and protect them from unavoidable and automatic refunds during emergency periods, applicants would receive shorter review times overall, have increased assurance that a licensing program will survive an emergency situation and, therefore, be available to issue licenses to them in future, and know that an emergency will not cripple a program to such an extent that pending licenses will not be issued even after the emergency is over due to forced closing of the program caused by exhaustion of resources through automatic refunds. The Department believed that deletion of this provision would result in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase includes the delay in obtaining the desired license.

The Department stated that it believed that the alternative to this provision was to extend all license review times so as to reduce risk of late review due to circumstances beyond the control of the Department. In some cases, this would mean significant time extensions such as for all categories requiring site inspections. It is not unusual that certain sites are inaccessible for weeks or months due to snow or other weather or accessibility difficulties. Also, the Department

could not anticipate how often or to what extent the governor might declare emergencies requiring virtually all personal in a particular program to shift from application review activities to pollution control emergency activities. Failure to extend the times would mean certain program failure at some future unknown time when such emergencies, in fact, occurred and the program would be thereby prevented from continuing timely application review. The inevitable result would be automatic refunds, financial failure of the program, and a resulting inability to provide further licensing or enforcement activity from that point forward until funding is restored from outside sources. The Department expected the EIS to show that the cost to applicants will be far greater without this provision than with the provision.

This provision remains substantially unchanged in today's rule except for some adjustment in the causes identified as justifying the use of the provisions. The Department believes the net effect to be substantially the same.

8) Notice of intent to rely on the application components as submitted. This provision was shown at R18-1-520 in the proposed rule and provided a mechanism to allow a certain degree of flexibility by applicants to adjust their application proposals to the constraints of the licensing requirement process. This provision provided a short licensing time-frame suspension whenever an applicant wished formally to dispute the legality of a Department request for more information. This additional time would be then used to evaluate the merits of the applicant's formal protest. This additional review time was not factored into the standard licensing time-frame periods shown in the proposed rule. The Department believed that such additional time should rightly be borne only by applicants making such a formal protest and should not be imposed on all applicants prospectively whether they ever make such a protest or not. The Department believed that deletion of this provision would result in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase included the delay in obtaining the desired license by increasing all licensing time-frame periods to anticipate the possibility that such additional review activity by the Department might be necessary. Failure to increase the times might force the Department to deny applications whenever such a protest was made if only because there would no longer be sufficient time to resolve both the protest and the application. Because resolution of the protest must take precedence, insufficient time might remain to complete an adequate review of the application resulting inevitably in increased denials. Deletion of this provision would impose additional costs on applicants including the payment of additional application fees due upon refiling, the expenditure of additional time on 1 or more subsequent applications, and the delay in obtaining the desired license.

This provision remains essentially unchanged in today's rule.

9) Notice of intent to rely on the license category. This provision was shown at R18-1-521 in the proposed rule and provided a mechanism to allow a certain degree of flexibility by applicants to adjust their application proposals to the constraints of the licensing requirement process. This provision, in effect, responded to a type of pre-packaged time-frames extension agreement subject to applicant veto. The absence of this provision would require the deletion of the Department's ability to change an applicant's category and thus would increase the pressure to deny unapprovable applications at a higher rate than would otherwise be the case. This pressure could be reduced only by a corresponding extension of most licensing time-frame periods in the proposed rule to anticipate the possibility of this situation. For those licenses with paired standard-complex and with-without a public hearing, deletion would require all licensing time-frame periods to be set to the longest time now shown in order to accommodate the possibility for their need. The Department believed that deletion of this provision would result in a small net decrease in costs to the Department and a substantial net increase to applicants. This increase included the payment of additional application fees due upon refiling, the expenditure of additional time on 1 or more subsequent applications, and the delay in obtaining the desired license.

This provision remains essentially unchanged in today's rule.

10) Licensing time-frame periods. These provisions were shown on the license tables in the proposed rule. The times had been set using a variety of rationales depending upon the specific needs of each program and license category but, generally, the following concept dominated the decision making process: The Department should set the times as short as possible while at the same time set the times long enough to allow a reasonable degree of applicant flexibility to correct deficiencies without having to start over.

The Department had subjected this concept and draft review times to 30 half-day informal public workshops in Phoenix, Tucson, Flagstaff, Show Low, Cottonwood, Bullhead City, and Yuma prior to fixing the times shown in the proposed rule. The workshops were moderated by third-party facilitators contracted by the Department for this purpose. The results of the workshops showed public unease over time-frames set too short to allow reasonable opportunities to cure unapprovable applications prior to expiration. This was especially evident in all categories with time shown over 90 days.

The 1 significant exception to this was the underground storage tank (UST) corrective action plan (CAP) approvals shown on Table 18. Here, public comment was that times must be shortened significantly. In response, the UST program reevaluated its rationale and reduced the time shown. Those reductions shown were due to additional funding

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for review activities that had occurred since the times in the draft table were originally announced. One other area of objections raised concerning times believed to be too long concerned the aquifer protection permit (APP) program. Here, however, comment was extremely mixed with far more vigorous requests made that times not be shortened.

The most significant general response given the Department during the workshops was a desire by the public for the Department to offer reasonably long times now and later to revisit the issue when the Department processes annual housekeeping rule makings on the rule. The reasons given for this included concern that the department be forced into time so short that denials increased over current experience or that programs become financially compromised due to significant refund payments.

The tables remain essentially unchanged in today's rule.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Table of Contents is revised as follows:

R18-1-501. Definitions

R18-1-502. Applicability; Effective Date

R18-1-503. Administrative Completeness Review Time-frame ~~Clock~~ Operation; ~~Administrative Deficiencies;~~ Administrative Completeness

R18-1-504. Substantive Review Time-frame ~~Clock~~ Operation; Requests for Additional Information

R18-1-505. Overall Time-frame ~~Clock~~ Operation

R18-1-506. Time-frame Extension ~~Clock~~ Operation

R18-1-507. Ending of Time-frames ~~Time-frame Clocks~~; Licensing Decisions; ~~Lapse~~; Withdrawal; Notice of Licensing Time-frames Nonapplicability; ~~Ending of Time-frames~~

R18-1-508. Licensing Time-frames Pre-application Agreements

R18-1-509. Licensing Time-frames Supplemental Request Agreements

R18-1-510. Licensing Time-frames Extension Agreements

R18-1-511. Licensing Time-frames Changed Application Agreements

R18-1-512. ~~Reserved~~ Licensing Time-frames Reactivated Agreements

R18-1-513. Licensing Time-frames Opt-in Agreements

R18-1-514. ~~Reserved~~ Suspension of Time-frames Pending Payment of Fees or Receipt of Applicant's Signature

R18-1-515. ~~Reserved~~ Suspension of Time-frames Due to a Changed Application

R18-1-516. Reassignment of License Category

R18-1-517. Application ~~Lapse and~~ Withdrawal; ~~Lapse Date~~ Extension Request

R18-1-518. Emergencies ~~and Upset Conditions~~

R18-1-519. Public Hearings; Public Meetings; Public Notice Periods

R18-1-520. Notice of Intent to Rely on the Application Components As Submitted

R18-1-521. Notice of Intent to Rely on the License Category

R18-1-522. Notice of Change of Applicant's Agent for Receiving Licensing Time-frames Notices

R18-1-523. Refunds, Fee Excusals, and Penalties

R18-1-524. Site Inspections

R18-1-525. Licensing Time-frames; Application Components ~~License Tables~~

Indenting of the tables is deleted. This means that the Tables are appended directly to Article 5 and not just to R18-1-525. This corrects a typographical error in the October 23, 1998, notice of proposed rulemaking.

A new table is added:

Table 6-E. Wastewater Construction Licenses Issued by the Enforcement Unit

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The titles of the following tables are revised:

Table 7. Subdivision Sanitary Facility Construction Licenses Issued by the Phoenix Office

Table 7-N. Subdivision Sanitary Facility Construction Licenses Issued by the Northern Regional Office

Table 7-S. Subdivision Sanitary Facility Construction Licenses Issued by the Southern Regional Office

...

Table 15. Reserved~~This table reserved.~~

R18-1-501, "Definitions," is revised for clarity, conciseness, and understanding as follows:

1. "Administrative completeness" or "administratively complete" means Department receipt of all application components required by statute or rule and necessary to enable this Article sufficient to allow the Department to issue a notice of administrative completeness under A.R.S. § 41-1074 and thereby end the administrative completeness review time-frame clock and start the substantive review time-frame clock but does not mean statutory administrative completeness.
2. "Administrative completeness review" means the process of clerical verification by the Department to determine whether that the submitted application components meet the requirements of administrative completeness.
3. ~~"Administrative completeness review time frame" has the meaning prescribed in A.R.S. § 41-1072(1). The Department interprets this term to mean the entire period after Department receipt of an applicant's first acceptable application component submittal under R18-1-503(A) until the starting of the substantive review time frame but does not mean a statutory administrative completeness review time frame.~~
4. ~~"Administrative completeness review time frame clock" means the counting and assignment of certain days within the administrative completeness review licensing time frame under A.R.S. § 41-1074.~~
35. "Applicant" means the person who requests the Department to issue ~~applies for~~ a license.
46. "Applicant response" means a written response from the applicant to a Department notice that complies with all the following:
 - a. The response identifies the applicant.
 - b. The response identifies the Department notice.
 - c. The response is addressed to the Department employee identified in the Department notice as the designated recipient of the notice.
 - d. The response contains the required information identified in the Department notice or the response contains a notice under R18-1-520 to rely on the application components as submitted.
57. "Application" means a request to the Department to issue a license to the requestor when that request is in writing and complies with ~~made under~~ R18-1-502 and R18-1-503(A).
68. "Application clerk" means a Department employee with authority to receive applications for the specific license identified on the submitted application component or applicant response.
79. "Application component" means a document, other written information, or fee required by statute or rule and submitted to the Department in support of an application.
8. "Companion category" means 1 of an association of 2 or more consecutive categories, shown on the license tables with paired license names, and containing a distinction between "standard" and "complex," between "without a public hearing" and "with a public hearing, or "without a public meeting" and "with a public meeting."
940. ~~"Complex" means an application category that requires a significant increase in Department application review resources in excess of applications processed in a companion standard application proposals in the same category due to the size, novelty, complexity, or technical difficulty expressed in the application-proposal.~~
10. "Comprehensive request for additional information" means a Department notification made after the administrative completeness review time-frame and that:
 - a. Contains a list of information required by statute or rule and necessary before the Department may grant the license; and
 - b. Suspends the running of days within the time-frames.
11. "Day" means business day and excludes Saturdays, Sundays, and state holidays.
12. "Department notification" or "Department notice" means written communication by the Department to an applicant in person or at the mailing or electronic address identified on the application. The Department may notify the applicant at the applicant's electronic address only if the applicant provides that address as part of an application component. The notification is effective:
 - a. If mailed, on the date of its postmark.
 - b. If delivered in person by a Department employee or agent, on the date of delivery.
 - c. If delivered electronically, on the date of delivery to the electronic address.

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13. "Department receipt" of an application component or an applicant response means 1 of the following days, whichever is later:
 - a. If the component or response is handed to an application clerk by the applicant, the day of actual receipt by the application clerk.
 - b. If the component or response is mailed, 5 days after a postmark identifying mailing date.
 - c. If the Department notifies the applicant within 5 days after the date of actual receipt, the day of actual receipt of the component or response by the application clerk.
 - d. If during an application moratorium or time-frame suspension declared under R18-1-518, the day after the moratorium or suspension ends.
14. "Electronic address" means either a telephone number for facsimile document communication (fax) or an electronic mail (e-mail) address. "Electronic address" does not mean a telephone number for voice or TDD (telephone device for the deaf) communication.
15. "Fee excusal" means the sanction imposed on a Department fund under A.R.S. § 41-1077(A) that requires the Department to excuse further fees required from the applicant by the Department.
16. "Initial fee" means that part of the fee required to be submitted under R18-1-503(A).
- ~~17. "Lapsed application" means an application that has ceased to be subject to this Article due to the applicant's failure to submit a timely response to a Department notification made under this Article.~~
- ~~17~~18. "License category" means a numbered category identified on a license table.
- ~~18~~19. "License table" means a table within this Article.
- ~~19~~20. "Licensing time-frame" means any of the time-frames identified in A.R.S. §§ 41-1072 through ~~41-1079~~41-1078, the operation of which require the Department to report its compliance level for overall time-frames to the Governor's Regulatory Review Council under A.R.S. § 41-1078(A).
- ~~20~~21. "Licensing time-frame agreement" means an agreement made under any of the sections R18-1-508 through R18-1-513.
- ~~22. "Overall time-frame" has the meaning prescribed in A.R.S. § 41-1072(2). The Department interprets this term to mean the entire period from Department receipt of an applicant's first acceptable application component submittal under R18-1-503(A) until the Department determines whether to grant or deny the license.~~
- ~~23. "Overall time-frame clock" means the counting and assignment of days within the overall licensing time-frame under A.R.S. § 41-1076.~~
- ~~21~~24. "Penalty" means the sanction imposed on a Department fund under A.R.S. § 41-1077(B).
- ~~22~~25. "Phased application" means ~~an a~~ application processed ~~process~~ pursuant to a licensing time-frame ~~an~~ agreement ~~between an applicant and the Department~~ that allows the applicant to submit application components in two ~~two~~ or more phases with each phase providing for administrative completeness review.
- ~~23~~26. "Pre-application" means the period prior to Department receipt of an applicant's 1st ~~acceptable~~ application component submittal under R18-1-503(A).
- ~~24~~27. "Presumptive administrative completeness" means the expiration of the administrative completeness review time-frame ~~clock~~ and the automatic start of the running of days within starting ~~of~~ the substantive review time-frame ~~clock~~ under A.R.S. § 41-1074(C) if the Department fails to issue a notice of administrative completeness under A.R.S. § 41-1074(A).
- ~~25~~28. "Presumptive overall time-frame" means the sum of the days shown for the administrative completeness review and substantive review time-frames on the license tables for that license category and may be different from the actual overall time-frame because the presumptive overall time-frame ~~it~~ does not include a lengthening of the time-frame due to a time-frame extension agreement or a shortening of the time-frame due to early starting of the substantive review time-frame caused by the issuance of a notice of administrative completeness.
- ~~26~~29. "Presumptive substantive review time-frame" means the days shown for the substantive review time-frame on the license tables for a license category.
- ~~27~~30. "Refund" means the sanction imposed on a Department fund under A.R.S. § 41-1077(A) that requires the Department to refund fees already paid by the applicant into that fund.
28. "Request for additional information" means a Department notification or contact made after the administrative review time-frame and that identifies information required by statute or rule and necessary before the Department may grant the license.
- ~~29~~31. "Sanction" means ~~the imposition of~~ a refund, fee excusal, or penalty under A.R.S. § 41-1077.
- ~~30~~32. "Site inspection" means an inspection performed by the Department under A.R.S. § 41-1009 as part of a required component of an application for a license shown on the license tables.
33. "Statutory administrative completeness" means Department receipt of all application components required by a statute other than A.R.S. §§ 41-1072 through 41-1078 and sufficient to allow the Department to determine that the application is administratively complete under that statute.
34. "Statutory administrative completeness time frame" means the entire period identified in a statute other than A.R.S. §§ 41-1072 through 41-1078 during which the Department shall complete the statutory administrative completeness review.

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35. ~~“Statutory overall time frame” means the entire period identified in a statute other than A.R.S. §§ 41-1072 through 41-1078 during which the Department shall grant or deny a license.~~
3136. ~~“Substantive review” means the process of qualitative evaluation by the Department of application components to determine whether the components meet all requirements in statute or rule and necessary to grant the license. “Substantive review” and does not include clerical verification of the components nor does it include Department investigations resulting from reporting or notification requirements.~~
37. ~~“Substantive review time frame” has the meaning prescribed in A.R.S. § 41-1072(3). The Department interprets this term to mean the entire period after the end of the administrative completeness review time frame until either the Department makes a licensing decision or the applicant causes the time frame clocks to end under R18-1-507. The substantive review time frame includes time frame clock suspension and time frame extension periods.~~
38. ~~“Substantive review time frame clock” means the counting and assignment of certain days within the substantive review licensing time frame under A.R.S. § 41-1075(A).~~
3239. ~~“Time-frame extension” means the entire period after the overall time-frame would otherwise expire and during which an application is not subject to sanctions. The substantive review and overall time-frames continue in effect and do not expire during the time-frame extension.~~
40. ~~“Time-frame extension clock” means the counting and assignment of certain days within a licensing time frame extension under A.R.S. § 41-1075(B).~~
3341. ~~“Withdrawn application” means an application that has ceased to be subject to this Article due to the applicant's request that the Department cease all consideration of the application under R18-1-517. R18-1-517(B). An applicant's ability to withdraw an application is not governed by this Article.~~
34. ~~“WQARF” means water quality assurance revolving fund.~~
The definition for “companion category” is added to clarify the meaning of “complex.” The definitions for the various “statutory time-frames” and “time-frame clocks” are deleted. See responses to Comments 3, 4, and 25. The definition of “lapsed application” is deleted. See response to Comment 19 below. Definitions for “comprehensive request for additional information” and “request for additional information” are added to reduce ambiguity as to their meaning. The definition for “WQARF” is added in support of its use on Tables 19, 19-S, and 20. Other changes are made to reduce ambiguity or correct typographical errors. None of the changes to this Section in today’s rule alter the scope or applicability of this rule from the October 23, 1998, proposed rule.

R18-1-502, “Applicability,” is revised for clarity, conciseness, and understanding as follows:

At R18-1-502(A)(4), “granted” is changed to “issued.”

At R18-1-502(A)(6), “one” is changed to “1.”

A. This Article does not apply to any of the following:

- ...
6. A license that requires 1 or more application components pursuant to an enforcement, abatement, or compliance order or consent agreement or a notice of violation in addition to those ~~identified shown~~ for a license category shown on the license tables ~~if when~~ submission of the component or components is required before the Department may make a decision to grant the license.
- ...
12. A license for which Department receipt of the 1st ~~acceptable~~ application component submittal under R18-1-503(A) occurs before ~~the effective date of this Article January 1, 1999. The effective date of this Article shall be at midnight 2 weeks after the notice of final rulemaking is filed with the secretary of state.~~

B. ~~If After~~ an application becomes subject to this Article, it remains subject to the terms of the original license category in which it was classified unless the application ~~lapses~~, is withdrawn, is altered by a licensing time-frames agreement, or is changed under R18-1-516. If altered by a licensing time-frames agreement, the terms of the original license category are modified only to the extent expressly stated in the licensing time-frames agreement. ~~If this Article is amended after an application complies with R18-1-503(A), the application will continue to be subject to the terms of the original license category and not to subsequent amendments made to this Article. The terms of a licensee category include all provisions of this Article in effect on the date an applicant complies with R18-1-503(A).~~

...

In addition, “Effective Date” is added to the section title.

The qualifier “acceptable” in subsection (A) is deleted to reduce ambiguity. The effective date is changed to clarify that the applicability of this Article is prospective in nature and will not apply retrospectively to applications 1st received prior to the effective date of this rule. The period of 2 weeks will allow the Department an opportunity to know prospectively when today’s rule will become effective. This is because filings of notices of final rulemaking are usually not known with certainty by the Department until after they occur. Here, it is essential that the Department know in advance the exact day the rule goes into effect so that it can commence the many duties today’s rule places on the Department on the same day the rule requires.

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R18-1-503, “Administrative Completeness Review Time-frame Clock Operation; Administrative Completeness,” is revised for clarity, conciseness, and understanding as follows:

- A.** The administrative completeness review time-frame ~~clock~~ for an application begins on the day of Department receipt of the 1st ~~acceptable~~ component submittal in support of the application that contains. ~~To start the clock, the submittal shall contain all the following:~~
- ...
3. Name and mailing address of the applicant or applicant's agent authorized by the applicant to receive all notices issued by the Department under this Article.
 4. Identification of the license category in which the application shall be 1st is to be processed. If companion categories are shown on a license table for this license, the application shall be 1st processed in the companion category that is determined as follows:
 - a. If “standard” and “complex” categories are shown, in the “standard” category.
 - b. If “without a public hearing” and “with a public hearing” are shown, in the “without a public hearing” category.
 - c. If “without a public meeting” and “with a public meeting” are shown, in the “without a public meeting” category.
- ...
7. All application components set forth by the Department in accordance with A.R.S. § 41-1079 ~~required by statute or rule and necessary or the Department to make a licensing decision under R18-1-507(A).~~
- B.** The administrative completeness review time-frame for an application ends on the earlier of the following days:
- ...
2. If the Department does not notify the applicant that the application is administratively complete under A.R.S. § 41-1074, the last day shown for the administrative completeness review time-frame for the relevant license category on the license tables ~~License Tables~~.
- ~~C.~~ The Department may notify the applicant to respond to 1 or more notices of administrative deficiencies during the administrative completeness review time-frame.
- ~~D.~~ If the applicant fails to submit the missing information identified on a list of specific administrative deficiencies included with the notice, the application shall lapse by the lapse date identified in the notice or, if no lapse date is identified, 2 months after notification.
- ~~CE.~~ If a notice of administrative deficiencies states that the Department is suspending the running of days within the time-frames ~~time-frame clocks~~ until the applicant supplies the missing information identified on a comprehensive list of specific deficiencies included with the notice, the running of days within the administrative completeness review time-frame ~~clock~~ suspends on the day of notification.
- ~~DE.~~ If suspended, the running of days within the administrative completeness review time-frame ~~clock~~ resumes upon Department receipt of the missing information identified on the comprehensive list of specific deficiencies except when the Department notifies the applicant within 10 days after receipt that not all of the missing information was supplied, in which case the running of days within the time-frame ~~clock~~ remains suspended from the time of the 1st notice under subsection (C) ~~(D)~~ of this Section until the missing information is supplied to the Department. ~~If the applicant fails to submit the missing information identified in this subsection (F) notice, the application shall lapse by the lapse date identified in the notice or, if no lapse date is identified, 2 months after notification.~~
- ~~EG.~~ If the Department determines that an applicant has submitted all application components required by statute or rule ~~the license tables for that license category~~ within the administrative completeness review time-frame and necessary to allow the Department to grant the license, the Department shall notify the applicant that the application is administratively complete under A.R.S. § 41-1074.
- FH.** If presumptive administrative completeness occurs:
1. Further notices of administrative deficiencies issued under subsection (C) ~~or (E)~~ of this Section will not suspend the running of days within the substantive review or overall time-frames and time-frame clocks,
 2. The Department does not waive the requirement for the applicant to submit all application components necessary to allow for the Department to determine whether to grant the license, and
 3. Nothing in this Article requires the Department to grant a license.
- GI.** The running of days within the administrative completeness review time-frame also suspends and resumes under ~~clock~~ also shall suspend and resume under R18-1-514 (pending payment of fees), R18-1-515 (due to changed applications), R18-1-518 (emergencies and upset conditions), R18-1-520 (notice of intent to rely on the application components submitted), and R18-1-521 (notice of intent to rely on the license category).
- H.** If, within 5 days after Department receipt of a 1st component submittal under subsection (A) of this Section, the Department determines that the submittal is so defective that the applicant clearly failed to make a good faith effort to submit all application components required by statute or rule and necessary for the Department to make a licensing decision to grant the license, the Department may determine that the submittal is not subject to this Article and that the Department shall not process the submittal. Department notification of this determination under R18-1-507(E) will cause all time-frames to end. The Department shall allow the applicant to reclaim the submittal
- The qualifier “acceptable” in subsection (A) is deleted to reduce ambiguity. Subsection (A)(4) is modified to clarify how to determine which companion category to use when 1st submitting an application for a license that shows companion cate-

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gories on a license table. Subsection (E) is modified to reduce ambiguity. Subsection (H) is added to clarify what limits the Department has in excluding manifestly defective applications from the tracking, resource expenditure, and reporting requirements of this Article. The other changes eliminate references to additional notice, lapse, and suspension provisions deleted throughout today's rule and make the language of this Section consistent with that used in other sections of this Article.

R18-1-504, "Substantive Review Time-frame ~~Clock~~-Operation; Requests for Additional Information," is revised for clarity, conciseness, and understanding as follows:

- A. The substantive review time-frame ~~clock~~ for an application begins on 1 ~~one~~ of the following days:
 - 1. If the Department notifies the applicant that the application is administratively complete before the expiration of the administrative completeness review time-frame ~~clock~~, 1 day after notification.
 - 2. If the Department does not notify the applicant that the application is administratively complete before the expiration of the administrative completeness review time-frame ~~clock~~, 1 day after expiration.
- B. The substantive review time-frame ~~clock~~ for an application ends on the earlier of the following days:
 - ...
- ~~C. The Department may notify the applicant to respond to one or more requests for additional information or comprehensive requests for additional information during the substantive review time frame.~~
- ~~D. If the applicant fails to submit the missing information identified in a request for additional information or a comprehensive request for additional information, the application shall lapse by the lapse date identified in the request or, if no lapse date is identified, 2 months after notification.~~
- E. If the Department notifies the applicant to respond to a comprehensive request ~~states that the Department is suspending the time-frame clock until the applicant supplies the missing information identified in the comprehensive request for additional information, the running of the days within the substantive review time-frame clock suspends on the day of Department notification. The Department may issue only 1 one comprehensive request that suspends the running of days within the substantive review time-frame clock under A.R.S. § 41-1075(A).~~
- F. The running of days within the substantive review time-frame ~~clock~~ resumes upon Department receipt of the missing information identified in the comprehensive request except if the Department notifies the applicant within 15 days after receipt that not all of the missing information was supplied, in which case the running of days within the time-frame clock remains suspended until the applicant supplies the missing information to the Department. ~~If the applicant fails to submit the missing information identified in this subsection (F) notice, the application shall lapse by the lapse date identified in the notice or, if no lapse date is identified, 2 months after notification.~~
- G. The running of days within the substantive review time-frame ~~clock~~ also suspends and resumes ~~shall suspend and resume~~ under R18-1-514 (pending payment of fees), R18-1-515 (due to changed applications), R18-1-518 (emergencies and upset conditions), R18-1-520 (notice of intent to rely on the application components submitted), and R18-1-521 (notice of intent to rely upon the license category).

These changes (including elimination of references to lapse and suspensions) make the language of this Section consistent with that used in other sections of this Article.

R18-1-505, "Overall Time-frame ~~Clock~~-Operation," is revised for clarity, conciseness, and understanding as follows:

- A. The overall time-frame ~~clock~~ for an application begins on the same day as the administrative completeness review time-frame ~~clock~~.
- B. The running of days within the overall time-frame ~~clock~~ suspends and resumes in concert with the administrative completeness and substantive review time-frames and time-frame extensions, and extension time-frame clocks.
- C. The duration of the overall time-frame ~~clock~~ equals the sum of all the following days unless altered by R18-1-508 (licensing time-frames pre-application agreements), R18-1-511 (changed licensing time-frames agreements), ~~R18-1-512 (reactivated licensing time-frames agreements)~~, or R18-1-513 (licensing time-frames opt-in agreements):
 - 1. The lesser of:
 - ...
 - b. The actual number of days for the administrative completeness review time-frame if the Department notifies the applicant under R18-1-503(E) ~~R18-1-503(G)~~ that the application is administratively complete before the expiration of the administrative completeness review time-frame;
 - ...

At R18-1-505(C)(3), "one" is changed to "1."

R18-1-506, "Time-frame Extension ~~Clock~~-Operation," is revised for clarity, conciseness, and understanding as follows:

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- A. If created by a licensing time-frames extension agreement under R18-1-510, the time-frame extension ~~clock~~ for an application begins 1 day after the substantive review and overall ~~time-frames time-frame clocks~~ would otherwise expire and operates as if they were still in operation.
- B. The time-frame extension ~~clock~~ for an application ends on 1 ~~one~~ of the following days, whichever is earlier:
- ...
- C. The Department may notify an applicant to respond to 1 comprehensive request for additional information ~~requests for additional information and comprehensive requests for additional information~~ during the time-frame extension on the same terms as prescribed in R18-1-504 ~~except that the Department shall not make more than 1 comprehensive request for additional information under both R18-1-504 and this Section.~~
- ...
- E. The running of days within the time-frame extension also suspends and resumes under ~~clock shall also suspend and resume under R18-1-514 (pending payment of fees or receipt of signature), R18-1-515 (changed licensing time-frames), R18-1-518 (emergencies and upset conditions), R18-1-520 (notice of intent to rely on the application components submitted), and R18-1-521 (notice of intent to rely on the license category).~~

In R18-1-506(D), change “one” to “1.”

R18-1-507, “Ending of ~~Time-frames Time-frame Clocks~~; Licensing Decisions; ~~Lapse~~; Withdrawal; Notice of Licensing Time-frames Nonapplicability; ~~Ending of Time frames~~,” is revised for clarity, conciseness, and understanding as follows:

- A. Department notification of the following licensing decisions is sufficient to end all licensing time-frames ~~time-frame~~ ~~clocks~~ for an application:
1. Unconditional grant of the license, meaning that the Department did not add conditions not requested by, or agreed to by, the applicant.
 2. Conditional grant of the license, meaning that the Department added conditions not requested by, or agreed to by, the applicant.
- ...
- C. The Department may deny a license under subsection (A) of this Section if the applicant submits incomplete or inaccurate information in response to a notice of administrative deficiencies under R18-1-503, a request for additional information or a comprehensive request for additional information under R18-1-504, a supplemental request for additional information under R18-1-509, or any other deficiency ~~found~~ in the application that prevents the Department from exercising its authority to grant the license. . . .
- ...
- D. The following actions by the applicant are sufficient to end all time-frames ~~time-frame clocks~~ for an application:
- ~~1. Allowing the application to lapse by failing to submit a timely response to Department notification under this Article.~~
 - ~~12.~~ 2. Withdrawing the application under R18-1-517 ~~R18-1-517(B).~~
 - ~~23.~~ 3. Entering into a changed licensing time-frames agreement under R18-1-511.
- ...
- E. If the Department determines during its review of an application that the application is not subject to this Article, the Department shall ~~so~~ notify the applicant that the application is not subject to this Article. The Department notification shall contain the Department's reason for making the determination. Department notification ~~causes~~ shall cause all time-frames ~~time-frame clocks~~ for the ~~that~~ application to end.
- ~~F. The ending of time frame clocks under this Section also shall end all time-frames.~~

The structure of subsection (A)(1) is changed to parallel the structure of subsection (A)(2). Subsection (C) is modified to clarify the standard the Department uses to make a decision to deny a license. Subsections (D)(1) and (F) are deleted because “lapse” and “time-frame clock” concepts are also deleted from today’s rule.

R18-1-508, “Licensing Time-frames Pre-application Agreements,” is revised for clarity, conciseness, and understanding as follows:

In R18-1-508(A) and R18-1-508(A)(1) change “one” to “1.”

- ...
- B. A licensing time-frames pre-application agreement shall contain at least the following terms:
- ...
4. The number of days for the administrative completeness review time-frame and the substantive review time-frame. Time spent in pre-application review shall not count toward the running of days within the time-frames ~~any of the time frame clocks.~~

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- ...
6. Identification of the license category within which the Department shall begin processing ~~process~~ the application.
- C. A licensing time-frames pre-application agreement ~~that allows~~ allowing the applicant to submit certain application components in ~~1 one~~ or more phases during the substantive review time-frame shall contain at least the terms identified in subsection (B) of this Section and the following terms:
1. The overall time-frame shall not be less than the presumptive overall time-frame identified in subsection (B)(6) of this Section ~~the base license category on the license tables~~.
 2. The administrative completeness review time-frame shown for the license category identified in subsection (B)(6) of this Section ~~identified in the base license category on the license tables~~ shall apply only to the 1st application phase.
 3. The applicant may submit components otherwise required for administrative completeness in subsequent phases during the substantive review time-frame only to the extent that the agreement specifies deadlines for each subsequent application phase and identifies the application components required in each subsequent phase. The Department may notify the applicant to respond to a notice of administrative deficiencies within 15 days after each subsequent submittal or the deadline identified in the agreement for each subsequent phased application component submittal. ~~If the applicant fails to submit the missing information identified in the notice, the application shall lapse by the lapse date identified in the notice or, if no lapse date is identified, 2 months after notification.~~
 4. The Department may suspend the running of days within the time-frames ~~time-frame clocks~~ once in each application phase ~~with in response to a comprehensive request for additional information on the same terms as prescribed in under R18-1-504.~~
- D. ...
1. ...
 2. The resources of the Department. The Department shall not enter into an agreement if the Department determines that either the negotiation of the agreement or the terms of the agreement are likely to require the Department to expend additional resources to the significant detriment of other applicants.
- ...

In R18-1-508(D)(3), add “detrimental” after “potential.”

Subsection (B)(6) is modified to clarify that the identification of a license category here has similar meaning to a category identified under R18-1-503(A) if no pre-application agreement is used. The category is an initial processing category only and may be changed under other sections of this rule. Subsections (C)(1) and (C)(2) are modified to present the same meaning but without resort to the use of the term, “base category.” Subsection (C)(3) is changed to delete its lapse provision. Subsections (C)(4) and (D)(2) are changed to make the language consistent with that used in other sections of this Article.

R18-1-509, “Licensing Time-frames Supplemental Request Agreements,” is revised for clarity, conciseness, and understanding as follows:

- A. An applicant and the Department may enter into ~~1 one~~ or more licensing time-frames supplemental request agreements to allow the suspension of the running of the days within the relevant substantive review, and overall, and extension time-frames ~~time-frame clocks and time-frame extensions~~ pending a response from the applicant to a supplemental request for additional information under A.R.S. § 41-1075(A). A request for additional time alone is not a valid justification for a supplemental request agreement.
- B. A licensing time-frames supplemental request agreement shall contain at least the following terms:
- ...
3. The running of days within the relevant substantive review and overall time-frames and time-frame extensions, ~~overall, and extension time-frame clocks as appropriate~~ shall suspend and resume under Sections R18-1-504 through R18-1-506.
 4. ~~If the applicant fails to submit the missing information identified in the agreement, the application shall lapse by the lapse date identified in the agreement or, if no lapse date is identified, 2 months after the effective date of the agreement.~~

R18-1-510, “Licensing Time-frames Extension Agreements,” is revised for clarity, conciseness, and understanding as follows:

In R18-1-510(A), change “one” to “1.”

- ...
- B. The ~~combined~~ total of all time-frames extension agreements may extend the time-frames no more than 25% of the number of days beyond the presumptive overall time-frame or, if identified as a fixed number in an R18-1-508 pre-application agreement, the presumptive overall time-frame in that agreement. A calculation that results in a fraction ~~Calculations that result in fractions~~ of a day shall be rounded to the nearest day.

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C. A time-frames extension agreement shall contain at least the following terms:

...

3. The agreement creates a time-frame extension ~~clock~~ that operates under R18-1-506.

R18-1-511, "Licensing Time-frames Changed Application Agreements," is revised for clarity, conciseness, and understanding as follows:

- A. An applicant and the Department may enter into a licensing time-frames agreement to allow the applicant to change information previously submitted in support of a license application and to supersede the time-frames of that application with new time-frames. A changed licensing time-frames agreement causes all time-frames ~~time frame clocks~~ on the ~~super-seeded~~ application to end under R18-1-507(D) and creates a new set of time-frames ~~time frame clocks~~ that operates under the agreement.
- B. A changed licensing time-frames agreement shall contain at least the following terms:

...

 6. Identification of the license category within which the Department ~~changed application~~ shall continue processing the changed application ~~be processed~~.
- C. The Department shall consider all the following factors when determining whether to enter into a changed licensing time-frames agreement:

...

 2. The resources of the Department. The Department shall not enter into an agreement if the Department determines that either the negotiation of the agreement or the terms of the agreement are likely to require the Department to expend additional resources to the significant detriment of other applicants.
 3. The impact on public health and safety or the environment. The Department shall not enter into an agreement if the Department determines that the terms of the agreement are likely to cause a significant increase or change in the nature of the potential detrimental effects of the facility or activity to be governed by the license on public health and safety or the environment.

Subsection (B)(6) is modified to have a construction similar to R18-1-508(B)(6).

R18-1-512, "Licensing Time-frames Reactivation Agreements," is deleted in its entirety See response to Comment 19.

R18-1-512. Reserved Licensing Time frames Reactivated Agreements

- ~~A. An applicant and the Department may enter into an agreement to allow the applicant to reactivate lapsed time frames on a pending application. A reactivated licensing time frames agreement creates a new set of time frame clocks that operates under the agreement.~~
- ~~B. A reactivated licensing time frames agreement shall contain at least the following terms:
 1. Unless specified otherwise in the agreement, all requirements of this Article remain in effect.
 2. A waiver under A.R.S. § 41-1004 by the applicant of its rights to the number of time frame days identified on the license tables in consideration of the Department allowing the applicant to reactivate the application.
 3. Identification of application components required in support of the reactivated application.
 4. The number of time frame days applicable to the reactivated application.
 5. A fee adjustment, if appropriate.
 6. Identification of the license category within which the reactivated application shall be processed.~~
- ~~C. The Department shall consider all the following factors when determining whether to enter into a reactivated licensing time frames agreement:
 1. The complexity of the licensing subject matter. The Department shall not enter into an agreement if the presumptive substantive review time frame is less than 30 days.
 2. The resources of the Department. The Department shall not enter into an agreement if the Department determines that either the negotiation of the agreement or the terms of the agreement are likely to require the Department to expend resources to the significant detriment of other applicants.
 3. The impact on public health and safety or the environment. The Department shall not enter into an agreement if the Department determines that the terms of the agreement are likely to cause a significant increase or change in the nature of the potential effects of the facility or activity to be governed by the license on public health and safety or the environment.~~

R18-1-513, "Licensing Time-frames Opt-in Agreements," is revised for clarity, conciseness, and understanding as follows:

In R18-1-513(A), change "time-frame clocks" to time-frames."

...

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B. A licensing time-frames opt-in agreement shall contain at least the following terms:

...

2. Identification of the license category within which the Department application shall continue processing the application be processed.

...

C. A licensing time-frames opt-in agreement may allow an applicant to submit certain application components in 1 one or more phases during the substantive review time-frame if the agreement contains terms equivalent to those under R18-1-508(C).

D. The Department shall consider all the following factors when determining whether to enter into a licensing time-frames opt-in agreement:

1. The complexity of the licensing subject matter. The Department shall not enter into an agreement if the time set for the substantive review time-frame ~~clock~~ is less than 90 days.
2. The resources of the Department. The Department shall not enter into an agreement if the Department determines that either the negotiation of the agreement or the terms of the agreement are likely to require the Department to expend additional resources to the significant detriment of other applicants.

...

In R18-1-513(D)(3), add “detrimental” after “potential.”

Subsection (B)(2) is modified to have a construction similar to R18-1-508(B)(6).

R18-1-514, “Suspension of Time-frames Pending Payment of Fees or Receipt of Applicant's Signature,” is deleted in its entirety. See response to Comment 95.

R18-1-514. Reserved Suspension of Time-frames Pending Payment of Fees or Receipt of Applicant's Signature

- ~~A. If a check or other form of payment of an application fee is returned for insufficient funds or if any payment due on the application is in any other manner prevented, the time frame clocks shall suspend on the date the Department learns of the payment failure. Upon suspension, the Department shall notify the applicant of the suspension. If the applicant fails to submit a replacement check or other form of payment to the Department within 1 month of Department notification, the application shall lapse. If not already lapsed, the time frame clocks shall resume upon Department notification that the Department has verified payment.~~
- ~~B. If an application has unpaid fees due at the time the Department makes a licensing decision on the application, Department notification of the decision shall suspend the time frame clocks. Thereafter, upon Department receipt of full payment, all time frames shall end. A decision may include a condition that the license is not effective until payment in full is made. If the applicant fails to remit full payment to the Department after Department notification of the amount due, the application shall lapse by the lapse date identified in the notice or, if no lapse date is identified, 2 months after notification.~~
- ~~C. If the Department requires the applicant's signature after the application review is substantially complete but prior to the Department making a licensing decision, the time frame clocks shall suspend on the date the Department notifies the applicant that the signature is required. If the applicant fails to comply with the notice within 1 month of Department notification, the application shall lapse. If not already lapsed, the time frame clocks shall resume upon Department receipt of the applicant's signature as required in the notice.~~

R18-1-515, “Suspension of Time-frames Due to a Changed Application,” is deleted in its entirety. See response to Comment 95.

R18-1-515. Reserved Suspension of Time frames Due to a Changed Application

- ~~A. The Department may determine that an applicant has changed an application if an application component contains information that results in any of the following:~~
- ~~1. A significant change to previous application components submitted in support of the application;~~
 - ~~2. A significant increase or change to previous application components in the nature of the potential effects of the proposed project or activity on public health and safety or the environment;~~
- ~~B. If the Department makes a determination under subsection (A) of this Section, the Department may notify the applicant. If the Department notifies the applicant, the time frame clocks suspend and the application shall lapse unless the applicant informs the Department of the applicant's decision to do one of the following within 1 month of Department notification:~~
- ~~1. Submit a notice of intent to rely on the application components submitted under R18-1-205 and R18-1-520;~~
 - ~~2. Submit a notice of intent to enter into negotiations with the Department for a changed application agreement under R18-1-511;~~
 - ~~3. Submit a notice withdrawing the component containing the information changing the application, in which case the time frame clocks remain suspended until the applicant submits a replacement component that does not result in another determination under subsection (A) of this Section. If the applicant then fails to submit a replacement compo-~~

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ment, the application shall lapse by the lapse date identified in the notice under subsection (B) of this Section or, if no lapse date is identified, 2 months after notification.

R18-1-516, “Reassignment of License Category,” is revised for clarity, conciseness, and understanding as follows:

- ~~A. If a public hearing or public meeting is requested for an application for a license that requires the Department to hold a public hearing or public meeting on a proposed licensing decision if requested, the Department shall reassign the application from a license category not providing for a public hearing or public meeting to the companion category so providing. The Department shall notify the applicant of the change in the license category.~~
- ~~B. The Department may reassign an application to a different category if an evaluation of the application components indicates that a change is necessary in the category in which the application is classified including a change from a standard to a companion complex category if such categories are shown on the license tables for that license type. The Department shall notify the applicant of the change in the license category at which time the reassignment shall take effect. The Department notice shall contain the Department's reason for making the reassignment to a different license category. After receiving Department notification, the applicant may submit an R18-1-521 notice of intent to rely on the license category in effect before Department notification.~~
- ~~C. Reassignment to a new license category under this Section means only that the time-frame clocks for the application expire on the days shown for the new license category rather than the previous category.~~
- A. The Department may reassign an application to a different category if an evaluation of the application components indicates that a change is necessary in the category in which the application is classified. The Department shall notify the applicant of the change in the license category at which time the reassignment shall take effect. The Department notice shall contain the Department's reason for making the reassignment to a different license category. After receiving Department notification, the applicant may submit an R18-1-521 notice of intent to rely on the license category in effect before Department notification.
- B. If a public hearing or public meeting is requested for an application for a license that requires the Department to hold a public hearing or public meeting on a proposed licensing decision if requested, the Department shall reassign the application from a license category not providing for a public hearing or public meeting to the companion category so providing.
- C. Reassignment may include a change from a standard to a companion complex category if such categories are shown on the license tables.
- D. Reassignment to a new license category under this Section means only that the time-frames for the application expire on the days shown for the new license category rather than the previous category.

The elements of this Section have been reorganized and modified to incorporate the defined term, “companion category,” now added as R18-1-501(8). In addition, subsection (A) is modified to require that the Department state a reason when it reassigns an application to a different license category.

R18-1-517, “~~Application Lapse and Withdrawal; Lapse Date Extension Request~~,” is revised for clarity, conciseness, and understanding as follows:

- ~~A. A specific lapse date in a Department notice is one that supersedes the standard 2 month lapse date for Department notices under this Article. If the Department includes a specific lapse date in a Department notice, the Department shall determine the lapse date based on a reasonable time after taking into consideration the nature of the deficiency giving rise to the notice.~~
- ~~B. An applicant may allow an application to lapse. Lapse affects only the applicability of this Article to an application and does not prohibit the Department from continuing review of an application.~~
- ~~C. If allowed to do so by the Department, an applicant may withdraw an application prior to a decision by the Department to grant or deny the license.~~
- ~~D. Lapse or withdrawal of an application causes all time frame clocks to end under R18-1-507(D).~~
- ~~E. If the request is received by the Department before a lapse date, an applicant may request an extension of that lapse date. A lapse extension request shall include all of the following information:~~
 - ~~1. Identification of the applicant.~~
 - ~~2. Identification of the application.~~
 - ~~3. Identification and date of the Department notification or request giving rise to the lapse date.~~
 - ~~4. The reason why the applicant is not able to comply with the lapse date.~~
 - ~~5. Identification of a new lapse date.~~
 - ~~6. The reason why the new lapse date will provide adequate time for the applicant to comply.~~
- ~~F. The Department may grant a timely lapse date extension request if all the following conditions are met:~~
 - ~~1. The extension will not be so long that resuming application processing at the later date is likely to require a significant increase in Department resources over the resources required to resume processing on the noticed lapse date.~~

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- 2. ~~The extension will not be so long that resuming application processing at the later date is likely to cause a significant increase or change in the nature of the potential effects of the facility or activity to be governed by the license on public health and safety or the environment.~~
 - 3. ~~The applicant makes a showing that it is acting in good faith to comply with this Article.~~
 - ~~G. The Department may grant a lapse extension request with a new lapse date different than the one requested by the applicant in the request.~~
 - ~~H. The denial of a lapse date extension request means that the lapse date in effect before the request remains in effect.~~
 - ~~I. The grant of a lapse date extension request after the lapse date in effect at the time of the request means that the new lapse date applies and the application did not lapse on the earlier date.~~
- Withdrawal of an application causes all time-frames for that application to end.

All references to lapse have been deleted. See response to Comment 19.

R18-1-518, “~~Emergencies and Upset Conditions~~,” is revised for clarity, conciseness, and understanding as follows:

- A. The Director may declare a moratorium on the starting of time-frames ~~time-frame clocks~~ for new applications or may declare a suspension of ~~suspend all time-frames time-frame clocks for~~ one or more license categories identified on the license tables upon a determination that the starting of ~~time-frames time-frame clocks for new applications or the continued running of days within the time-frames time-frame clocks on existing applications in that license category is likely to result in sanctions for those applications due to emergencies including: any of the following:~~
 - 1. ~~Lack of Department resources to process applications in the same license category if that lack is due to events not reasonably within the control of the Department.~~
 - 2. ~~Emergencies and upset conditions including:~~
 - 1a. Diversion of Department resources to respond to pollution prevention emergency activity,
 - 2b. Loss of use of premises, ~~or~~
 - 3. Computer failure, or
 - 4e. Lack of access to a site inspection location due to weather or other natural conditions.
- B. A declaration of a time-frame ~~clock~~ moratorium or suspension under subsection (A) of this Section shall be in writing and shall include all the following:
 - 1. The reason for the time-frame ~~clock~~ moratorium or suspension.
 - 2. Identification of the license categories subject to the time-frame ~~clock~~ moratorium or suspension.
 - 3. If relevant, restriction of the declaration to one or more application review location or site inspection locations.
 - 4. Expiration of the time-frame ~~clock~~ moratorium or suspension by a date certain.
- C. The Director may revoke declarations or issue successive declarations. The Director shall ensure that the duration of a time-frame moratorium or suspension under subsection (A) of the Section is limited to the shortest time necessary to address the emergency.
- D. A declaration of a time-frame ~~clock~~ moratorium or suspension under subsection (A) of this Section affects only the operation of the time-frames ~~time-frame clocks~~ and does not prohibit the Department from acceptance or continued review of license applications.
- E. A declaration of a time-frame moratorium or suspension under subsection (A) of this Section applies only to applications and license categories that are subject to sanctions

Subsection (A)(1) is deleted to remove it as a justification to invoke Department powers under this Section. Computer failure is added due to recent difficulties experienced by the Department. In January 1999, for example, the computer network crashed causing widespread computer failure that lasted up to 5 days in certain Department areas. Subsection (E) is added to clarify that this Section applies only to applications and categories subject to refunds. See responses to Comments 108 through 110.

R18-1-519, “Public Hearings; Public Meetings; Public Notice Periods,” is revised for clarity, conciseness, and understanding as follows:

- ~~A. Public hearings and public meetings held by the Department and public notices, required for those hearings and meetings required by law to occur before a decision by the Department to grant a license, shall occur during the substantive review time-frame.~~
- ~~B. The suspension or expiration of the substantive review time-frame clock does not invalidate public hearings, public meetings, or public notice periods required by law to occur before a decision by the Department to grant a license.~~

Subsection (A) is deleted. See response to Comment 3.

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R18-1-520, “Notice of Intent To Rely on the Application Components As Submitted,” is revised for clarity, conciseness, and understanding as follows:

- A. An applicant, instead of submitting some or all of the application components identified by the Department, may submit a R18-1-205 notice of intent to rely on the application components as submitted in response to either of the following:
- ...
2. Receiving ~~a request for additional information~~, a comprehensive request for additional information; or a supplemental request for additional information issued by the Department ~~after~~ during the ~~administrative completeness~~ substantive review time-frame.
- ~~B. Upon receiving of a timely R18-1-205 notice, the Department shall suspend the time-frame clocks.~~
- ~~B.C. If A decision by the Department decides under R18-1-205 to rescind or modify the identification of the application component or components objected to by the applicant, the Department if made, shall make the decision be made within 15 days after Department receipt of the applicant's R18-1-205 notice, and. If, at the time of the decision, the running of days within the time-frames is suspended:~~
1. ~~A If made as a decision to rescind the identification of all application components identified complained of in the notice, shall resume the running of days within the time-frames; or continue all time-frame clocks or~~
2. ~~A If made as a decision to rescind or modify the identification of 1, but less than all, one or more application components identified complained of in the notice, shall allow the running of days within the time-frames to remain suspended in accordance with the Department notice reset all time-frame clocks and lapse provisions to the times applicable to the actions identified in subsections (A)(1) or (A)(2) of this Section.~~
- ~~C.D. If, within after 15 days after Department receipt of the applicant's R18-1-205 notice, the Department has not notified the applicant of a decision to rescind or modify the identification of the application component or components complained of in the notice, the running of days within the time-frames time-frame clocks, if suspended, shall resume.~~

Subsection (B) is deleted because the “time-frame clock” concept is also deleted from today's rule.

R18-1-521, “Notice of Intent To Rely on the License Category,” is revised for clarity, conciseness, and understanding as follows:

- A. ~~Upon An applicant, upon~~ Department notification that the Department has changed the license category under R18-1-516, ~~an applicant~~ may submit a notice of intent to rely on the license category in effect before the Department notification.
- B. ~~An applicant's notice under subsection (A) of this Section A notice of intent to rely on the license category shall include all of the following:~~
- ...
- ~~C. Upon receipt of an applicant's notice under subsection (A) of this Section, the Department shall do 1 of the following:~~
1. ~~Rescind the change under subsection (D) of this Section.~~
2. ~~Make a licensing decision under R18-1-507(A) and process the decision in the changed category identified under R18-1-516.~~
3. ~~Allow the license category to revert under subsection (E) of this Section.~~
- ~~C. Upon receiving a timely notice of intent to rely on the license category, the Department shall suspend the time-frame clocks and do one of the following:~~
1. ~~Rescind the change under subsection (E) of this Section.~~
2. ~~Make a licensing decision under R18-1-507(A).~~
- ~~D. A timely notice of intent to rely on the license category is one submitted within the time identified on the R18-1-516 Department notification or, if the notification does not specify a time, within 1 month after the notification.~~
- ~~D.E. If the Department decides notification of a decision to rescind the change in the license category, the Department shall notify the applicant of the decision if made, shall be made within 15 days after the Department receipt of receives the applicant's notice under subsection (A) of this Section of intent to rely on the license category and shall continue to process the application in the license category on which the applicant is relying reset all time-frame clocks and lapse provisions, if applicable, to the times applicable at the time of the R18-1-516 Department notification.~~
- ~~D.F. If, within after 15 days after the Department receipt of receives the applicant's notice under subsection (A) of this Section of intent to rely on the license category, the Department has not notified the applicant of a decision under subsection (C) of this Section, the license category shall revert to the category in effect before the R18-1-516 Department notification with the same effect on the time-frames time-frame clocks as described in subsection (D) (E) of this Section.~~

Subsection (D) is deleted because the Department has determined that no limit need be placed on applicants to decide when or if to submit a notice under this Section.

R18-1-522, “Notice of Change of Applicant's Agent for Receiving Licensing Time-frames Notices,” is revised for clarity, conciseness, and understanding as follows:

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- A. An applicant may change the designation of its agent identified under R18-1-503(A)(3) ~~R18-1-503(A)(2)~~ for receiving Department licensing time-frames notification.
- B. ~~To In order to~~ change the designation of the agent, the applicant shall submit a notice that complies with all the following to the application clerk:-

...

...

Subsection (A) is modified to correct a typographical error. Subsection (B) is modified to simplify the language and reduce ambiguity.

R18-1-523, “Refunds, Fee Excusals, and Penalties,” is revised for clarity, conciseness, and understanding as follows:

- A. An application ~~is shall be~~ subject to sanctions under A.R.S. § 41-1077 only if the application is governed by this Article and requires a fee that is deposited in a Department fund. In addition, an application ~~is shall be~~ subject to penalties under A.R.S. § 41-1077(B) only if it is subject to a substantive review time-frame as indicated on the license tables. ~~An A-lapsed application or an application withdrawn before the expiration of the substantive review or overall time-frames time frame~~ clocks, whichever is later, is not subject to sanctions.
- B. The Department shall make a refund and fee excusal to an applicant for an application if ~~the Department~~ it determines both of the following:
1. ~~The later of the overall time-frame or time-frame extension clocks for that application expired prior to Department notification of a licensing decision under R18-1-507(A).~~
- ...
- C. The Department shall issue a refund and ~~make approve~~ a fee excusal within 15 days after the department makes making a determination that a refund and fee excusal is due required.
- D. A refund and fee excusal is limited to the specific application giving rise to the refund and fee excusal and does not include refunds or payment excusals for services requested by the applicant beyond the scope of the application. A refund is limited to the amount actually received from the applicant by the Department for the specific application giving rise to the refund and ~~does shall~~ not include interest.
- E. The Department shall pay to the state general fund a penalty for ~~an each application for which a determination has been made that a refund is due under subsection (B) of this Section. Only such applications outstanding on the last calendar day of each month are subject to a penalty. The Department shall deposit the penalty in the state general fund within 4 months of incurring the penalty. if the Department determines both of the following:~~
1. The overall time-frame for that application expired prior to Department notification of a licensing decision under R18-1-507(A).
 2. On the last calendar day of the month, the Department still has not made a licensing decision under R18-1-507(A).
- F. If an application accumulates excused fees, the Department shall calculate the penalty each month to include both the penalty due for the current month plus any additional penalties now due for previous months resulting from the continued accumulation of excused fees during the current month. The fee subject to a penalty for an application that is still accumulating review charges at the time the penalty is due shall be determined retrospectively based on what the total fee would have been had no sanctions been imposed.

The last sentence is deleted from subsection (E) because the Department has determined that such a time provision stated in rule is unnecessary.

~~R18-1-524~~ **R18-9-524**, “Site Inspections,” is revised to correct a typographical error in the section title and to delete “as” in the body of the Section.

R18-1-525, “Licensing Time-frames; Application Components ~~License Tables~~,” is revised for clarity, conciseness, and understanding as follows:

The administrative completeness review time-frame ~~clock~~ days, the substantive review time-frame ~~clock~~ days, and the references to application components for each license category subject to this Article are as shown on the license tables.

Table 1, “Class I Air Licenses,” is revised for clarity, conciseness, and understanding as follows:

In categories 9 through 12, change “fee” to “initial fee.”

In category 17, add “initial fee” before “required.”

In category 25, add “new” before “permit.”

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Table 2, “Class II Air Licenses,” is revised for clarity, conciseness, and understanding as follows:
In categories 18, change “R18-2-503” to “R18-2-505” both times it appears.

Table 4, “Vehicle Emission Licenses,” is revised as follows:

The administrative completeness review time-frames for category 1, “fleet station permit,” is increased from 10 to 15 days and the substantive review time-frame is increased from 15 to 21 days.

The administrative completeness review time-frames for category 2, “analyzer facility registration,” is increased from 1 to 10 days and the substantive review time-frame is decreased from 15 to 10 days. “Site inspection required” is added to the application components of this category.

These changes correct typographical errors contained in the October 23, 1998, proposed rule.

Table 5, “Safe Drinking Water Construction Licenses Issued by the Phoenix Office,” is revised as follows:

Groups III and IV (categories 9-15) as shown on the proposed rule are deleted. These groups contained subdivision sanitary facility license categories. These licenses are also governed by categories on Table 7, “Subdivision Sanitary Facility Licenses Issued by the Phoenix Office.” This means that the scope and applicability of today’s rule is unchanged from the October 23, 1998, proposed rule. What changes are the choices as to what tables within which these applications will be processed. Group V (categories 16-18) are renumbered to Group III, categories 9-11, as a result. Changes to the table shown in the proposed rule are as follows:

Table 5: Safe Drinking Water Construction Licenses Issued by the Phoenix Office
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Tim-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
1. Standard drinking water treatment facility, project, or well approval to construct, A.R.S. § 49-353, A.A.C. R18-4-505.	11	32	No	A.A.C. R18-4-505, Department application form and site inspection required.
2. Complex drinking water treatment facility, project, or well approval to construct, A.R.S. § 49-353, A.A.C. R18-4-505.	11	62	No	A.A.C. R18-4-505, Department application form and site inspection required.
3. Standard public and semi-public swimming pool design approval, A.R.S. § 49-104(B)(12).	21	21	No	A.A.C. R18-5-203, Department application form and site inspection required.
4. Complex public and semi-public swimming pool design approval, A.R.S. § 49-104(B)(12).	21	62	No	A.A.C. R18-5-203, Department application form and site inspection required.

Group II: Drinking water approval-of-construction (AOC) licenses:

5. Standard drinking water treatment facility, project, or well approval of construction, A.R.S. § 49-353, A.A.C. R18-4-507.	11	32	No	A.A.C. R18-4-507, Department application form and site inspection required.
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6. Complex drinking water treatment facility, project, or well approval of construction, A.R.S. § 49-353, A.A.C. R18-4-507.	11	62	No	A.A.C. R18-4-507, Department application form and site inspection required.
7. Standard public and semi-public swimming pool approval of construction, A.R.S. § 49-104(B)(12).	21	21	No	A.A.C. R18-5-204, Department application form and site inspection required.
8. Complex public and semi-public swimming pool approval of construction, A.R.S. § 49-104(B)(12).	21	62	No	A.A.C. R18-5-204, Department application form and site inspection required.

Group III: Subdivision sanitary facility licenses with no Clean Water Act (CWA) § 208 consistency review:

9. Subdivision water approval (with water extension lines only); A.R.S. § 49-104(B)(11); A.A.C. R18-5-401 through R18-5-411.	11	32	No	A.A.C. R18-5-401 through R18-5-411, Department application form and site inspection required.
10. Standard subdivision water approval (with new water or sewage system with no CWA § 208 consistency review); A.R.S. § 49-104(B)(11); A.A.C. R18-5-401 through R18-5-411.	32	37	No	A.A.C. R18-5-401 through R18-5-411, Department application form, site inspection, and § 208 consistency determination required.

Table 5 (Continued): Safe Drinking Water Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time Frame Requirements

ACRTF means Administrative Completeness Review Time Frame

SRTF means Substantive Review Time Frame

Day means business day

License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
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Group III (Continued): Subdivision sanitary facility licenses with no Clean Water Act (CWA) § 208 consistency review:

11. Complex subdivision water approval (with new water or sewage system with no CWA § 208 consistency review); A.R.S. § 49-104(B)(11); A.A.C. R18-5-401 through R18-5-411.	32	67	No	A.A.C. R18-5-401 through R18-5-411, Department application form, site inspection, and § 208 consistency determination required.
12. Water and on-site subdivision approval (with new water or sewage system with no CWA § 208 consistency review); A.R.S. § 49-104(B)(11); A.A.C. R18-5-401 through R18-5-411.	32	32	No	A.A.C. R18-5-401 through R18-5-411, Department application form, site inspection, and § 208 consistency determination required.

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13. Dry lot and on-site subdivision approval (with new sewage system with no CWA § 208 consistency review); A.R.S. § 49-104(B)(11); A.A.C. R18-5-401 through R18-5-411.	32	32	No	A.A.C. R18-5-401 through R18-5-411, Department application form, site inspection, and § 208 consistency determination required.
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~~Group IV: Subdivision sanitary facility licenses with a Clean Water Act (CWA) § 208 consistency review:~~

14. Standard subdivision water approval (with new water or sewage system with a CWA § 208 consistency review); A.R.S. § 49-104(B)(11); A.A.C. R18-5-401 through R18-5-411.	53	58	No	A.A.C. R18-5-401 through R18-5-411, Department application form and site inspection required.
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15. Complex subdivision water approval (with new water or sewage system with a CWA § 208 consistency review); A.R.S. § 49-104(B)(11); A.A.C. R18-5-401 through R18-5-411.	53	88	No	A.A.C. R18-5-401 through R18-5-411, Department application form and site inspection required.
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Group ~~III~~ V: Other licenses:

9-16. Standard drinking water new source approval, A.R.S. § 49-353, R-18-4-505.	11	32	No	A.A.C. R18-4-505, Department application form and site inspection required.
10-17. Complex drinking water new source approval, A.R.S. § 49-353, R-18-4-505.	11	62	No	A.A.C. R18-4-505, Department application form and site inspection required.
11-18. Drinking water time extension approval, A.R.S. § 49-353, A.A.C. R18-4-505.	11	11	No	A.A.C. R18-4-505, Department application form required.

Tables 5-N and 5-S, “Safe Drinking Water Construction Licenses Issued by the Northern Regional Office” and “Safe Drinking Water Construction Licenses Issued by the Southern Regional Office,” are revised in the same manner as Table 5.

Table 6, “Wastewater Construction Licenses Issued by the Phoenix Office,” is revised as follows:

Group I is revised. “[W]ith no Clean Water Act (CWA) § 208 consistency review” is deleted from the name of Group I and from the names of the categories 1-4 and 7-10 within Group I. This does not change the scope or meaning of the licenses identified in this group. Administrative completeness review time-frames for categories 1-2 and 4-10 are reduced from 32 to 21 days. This is the result of continued evaluation by the Department of the application review process and the determination that additional time-saving steps can be implemented.

Group II is deleted along with its categories 11-20. This is not a reduction in licensing activity governed by today’s rule because these categories represented a combination of the license approvals identified in Group I plus the CWA § 208 consistency review approval now identified as category 22.

Group III (categories 21-30) is renumbered to Group II, categories 11-20. Administrative completeness review time-frames for categories 21-22 and 24-30 are reduced from 32 to 21 days. This is the result of continued evaluation by the Department of the application review process and the determination that additional time-saving steps can be implemented.

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Groups IV and V (categories 31-42) are deleted. These groups contain subdivision sanitary facility license categories. These licenses are governed by categories on Table 7, "Subdivision Sanitary Facility Licenses Issued by the Phoenix Office". This means that the scope and applicability of today's rule is unchanged from the October 23, 1998, proposed rule.

Group VI (categories 43-44) are renumbered to Group III, categories 21-22. Changes to the table shown in the proposed rule are as follows:

Table 6: Wastewater Construction Licenses Issued by the Phoenix Office
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
Group I: Wastewater approval-to-construct (ATC) licences with no Clean Water Act (CWA) § 208 consistency review:				
1. Standard wastewater treatment facility approval to construct with no CWA § 208 consistency review, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	21-32	32	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.
2. Complex wastewater treatment facility approval to construct with no CWA § 208 consistency review, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	21-32	62	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.
3. Standard sewerage collection system approval to construct with no CWA § 208 consistency review, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	21	32	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.
4. Complex sewerage collection system approval to construct with no CWA § 208 consistency review, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	21-32	62	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.
5. Standard individual on-site wastewater facility approval to construct, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32	21	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.
6. Complex individual on-site wastewater facility approval to construct, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32	41	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.

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7. Standard non-individual on-site wastewater facility approval to construct with no CWA § 208 consistency review, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 41	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.
8. Complex non-individual on-site wastewater facility approval to construct with no CWA § 208 consistency review, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 62	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.

Table 6 (Continued): Wastewater Construction Licenses Issued by the Phoenix Office
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF	SR TF	Subject to Sanctions	Application Components
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Group I (Continued): Wastewater approval-to-construct (ATC) licenses ~~with no Clean Water Act (CWA) § 208 consistency review:~~

9. Standard reclaimed wastewater and sewage disposal facility approval to construct with no CWA § 208 consistency review, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 41	Yes	A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.
10. Complex reclaimed wastewater and sewage disposal facility approval to construct with no CWA § 208 consistency review, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 62	Yes	A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.

Group II: Wastewater approval-to-construct (ATC) licences ~~with a Clean Water Act (CWA) § 208 consistency review:~~

11. Standard wastewater treatment facility approval to construct with a CWA § 208 consistency review, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	53	53	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
12. Complex wastewater treatment facility approval to construct with a CWA § 208 consistency review, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	53	83	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.

13. Standard sewerage collection system approval to construct with a CWA § 208 consistency review. Volume 5, Issue #40 A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	42	53	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
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14. Complex sewerage collection system approval to construct with a CWA § 208 consistency review; A.R.S. §§ 49-361 and 49-362; A.A.C. R18-9-804.	53	83	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
15. Standard individual on-site wastewater treatment facility approval to construct with a CWA § 208 consistency review; A.R.S. §§ 49-361 and 49-362; A.A.C. R18-9-804.	53	53	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
16. Complex individual on-site wastewater treatment facility approval to construct with a CWA § 208 consistency review; A.R.S. §§ 49-361 and 49-362; A.A.C. R18-9-804.	53	83	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.

Table 6 (Continued): Wastewater Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF	SR TF	Subject to Sanctions	Application Components
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~~Group II (Continued): Wastewater approval to construct (ATC) licenses with a Clean Water Act (CWA) § 208 consistency review:~~

17. Standard non-individual on-site wastewater facility approval to construct with a CWA § 208 consistency review; A.R.S. § 49-361 and 49-362; A.A.C. R18-9-804.	53	62	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
18. Complex non-individual on-site wastewater facility approval to construct with a CWA § 208 consistency review; A.R.S. § 49-361 and 49-362; A.A.C. R18-9-804.	53	83	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
19. Standard reclaimed wastewater and sewage disposal facility approval to construct with a CWA § 208 consistency review; A.R.S. § 49-361 and 49-362; A.A.C. R18-9-804.	53	63	Yes	A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
20. Complex reclaimed wastewater and sewage disposal facility approval to construct with a CWA § 208 consistency review; A.R.S. § 49-361 and 49-362; A.A.C. R18-9-804.	53	83	Yes	A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.

~~Group II-HH: Wastewater approval-of-construction (AOC) licenses:~~

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11-21 . Standard wastewater treatment facility approval of construction, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	21-32 32	Yes	A.A.C. R18-9-803, R18-9-805, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
12-22 . Complex wastewater treatment facility approval of construction, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	21-32 62	Yes	A.A.C. R18-9-803, R18-9-805, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
13-23 . Standard sewerage collection system approval of construction, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	21 32	Yes	A.A.C. R18-9-803, R18-9-805, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
14-24 . Complex sewerage collection system approval of construction, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804.	21-32 62	Yes	A.A.C. R18-9-803, R18-9-805, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.

Table 6 (Continued): Wastewater Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF	SR TF	Subject to Sanctions	Application Components
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Group III (Continued): Waste water approval-of-construction (AOC) licenses:

15-25 . Standard individual on-site wastewater facility approval of construction, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 21	Yes	A.A.C. R18-9-803, R18-9-805, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
16-26 . Complex individual on-site wastewater facility approval of construction, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 41	Yes	A.A.C. R18-9-803, R18-9-805, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
17-27 . Standard non-individual on-site wastewater facility approval of construction, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 41	Yes	A.A.C. R18-9-803, R18-9-805, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.

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18-28. Complex non-individual on-site wastewater facility approval of construction, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 62	Yes	A.A.C. R18-9-803, R18-9-805, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
19-29. Standard reclaimed wastewater and sewage disposal facility approval of construction, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 41	Yes	A.A.C. R18-9-803, <u>R18-9-805</u> R18-9-804 , and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
20-30. Complex reclaimed wastewater and sewage disposal facility approval of construction, A.R.S. § 49-361 and 49-362, A.A.C. R18-9-804.	21-32 62	Yes	A.A.C. R18-9-803, <u>R18-9-805</u> R18-9-804 , and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.

Group IV: Subdivision sanitary facility licenses with no Clean Water Act (CWA) § 208 consistency review:

31. Standard subdivision wastewater approval with no § 208 consistency review, A.R.S. § 49-104(B)(11), A.A.C. R18-9-804.	32 37	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.
32. Complex subdivision wastewater approval with no § 208 consistency review, A.R.S. § 49-104(B)(11), A.A.C. R18-9-804.	32 67	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, § 208 consistency determination, and initial fee required.

Table 6 (Continued): Wastewater Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time Frame Requirements

ACRTF means Administrative Completeness Review Time Frame

SRTF means Substantive Review Time Frame

Day means business day

License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
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Group IV (Continued): Subdivision sanitary facility licenses with no Clean Water Act (CWA) § 208 consistency review:

33. Standard water and on-site wastewater subdivision approval with no § 208 consistency review, A.R.S. § 49-104(B)(11), A.A.C. R18-9-804.	32	46	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806, Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.
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34. Complex water and on-site wastewater subdivision approval with no § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	32	67	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site-inspection, § 208 consistency-determination, and initial fee required.
35. Standard dry lot and on-site wastewater subdivision approval with no § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	32	46	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site-inspection, § 208 consistency-determination, and initial fee required.
36. Complex dry lot and on-site wastewater subdivision approval with no § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	32	67	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site-inspection, and initial fee required.

Group V: Subdivision sanitary facility licenses with a Clean Water Act (CWA) § 208 consistency review:

37. Standard subdivision wastewater approval with a § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	53	58	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site-inspection, and initial fee required.
38. Complex subdivision wastewater approval with a § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	53	88	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site-inspection, and initial fee required.
39. Standard water and on-site wastewater subdivision approval with a § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	53	67	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site-inspection, and initial fee required.
40. Complex water and on-site wastewater subdivision approval with a § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	53	88	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site-inspection, and initial fee required.

Table 6 (Continued): Wastewater Construction Licenses Issued by the Phoenix Office
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
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~~Group V (Continued): Subdivision sanitary facility licenses with a Clean Water Act (CWA) § 208 consistency review:~~

41. Standard dry lot and on-site wastewater sub- division approval with a § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	53	67	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site- inspection, and initial fee required.
42. Complex dry lot and on-site wastewater sub- division approval with a § 208 consistency review; A.R.S. § 49-104(B)(11); A.A.C. R18-9-804.	53	88	Yes	A.A.C. R18-9-803, R18-9-804, and R18-9-806; Fee: R18-14-101 through R18-14-108. Department application form, site- inspection, and initial fee required.

Group VI: Other wastewater licenses:

21-43. Wastewater time extension approval, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804(F).	21	21	Yes	A.A.C. R18-9-804(F), Fee: R18-14-101 through R18-14-108. Department application form and initial fee required.
22-44. CWA § 208 consistency review approval, A.R.S. §§ 49-361 and 49-362, A.A.C. R18-9-804(I) and R18-9-804(J).	21	21	No	A.A.C. R18-9-804(I) and R18-9-804(J), Department application form required.

Tables 6-E, “Wastewater Construction Licenses Issued by the Enforcement Unit,” is added and contains the same groups, categories, times, and application components as revised Table 6. This table does not represent an addition to the licensing activity identified in the October 23, 1998, proposed rule. It results from splitting the licensing activity administered by the water quality enforcement unit of the water division from the licensing activity administered by other units of the water division. All this activity was combined on the previous Table 6. Today’s rule requires the enforcement unit to use Table 6-E to track and report on its licensing time-frames compliance in a manner that will allow easier evaluation of its performance.

Tables 6-N and 6-S, “Wastewater Construction Licenses Issued by the Northern Regional Office” and “Wastewater Construction Licenses Issued by the Southern Regional Office,” are revised in the same manner as Table 6.

Table 7, “Subdivision Construction Licenses Issued by the Phoenix Office” is revised as follows:

The title is changed to “Subdivision Sanitary Facility Licenses issued by the Phoenix Office.”

The title for Group I, “Subdivision sanitary facility licenses with no Clean Water Act (CWA) § 208 consistency review,” is deleted.

“[W]ith no Clean Water Act (CWA) § 208 consistency review” is deleted from the names of categories. 1-6 This does not change the scope or meaning of the licenses identified in this group. Administrative completeness review time-frames for categories 6 are reduced from 32 to 21 days. This is the result of continued evaluation by the Department of the application review process and the determination that additional time-saving steps can be implemented.

Group II and its categories, 7-12, is deleted. This is not a reduction in licensing activity governed by today’s rule because these categories represented a combination of the license approvals identified in Group I plus the CWA § 208 consistency review approval now identified as Table 6, category 22.

Tables 7-N and 7-S, “Subdivision Construction Licenses Issued by the Northern Regional Office” and “Subdivision Construction Licenses Issued by the Southern Regional Office,” are revised in the same manner as Table 7.

Table 8, Safe Drinking water Monitoring and Treatment Licenses,” is revised as follows:

In category 1, the following citations are deleted: R18-4-213(A), R18-4-313(P)(1), and R18-4-313(P)(2). “R18-4-216(G)(1)”

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is changed to “R18-4-216(G).”

The substantive review time-frames for category 19, “maximum containment level compliance blending plan approval,” and category 20, “maximum contaminant level compliance blending plan change approval,” are revised by splitting each category into 2 subcategories and then decreasing the times for the substantive review time-frame each from 125 days to a lesser number. The 2 subcategories are differentiated as “with 10 or fewer points-of-entry” and “with more than 10 points-of entry.” The substantive review for “10 or fewer” is 42 days (approximately 2 months) and for “more than 10” is 84 days (approximately 4 months). The remainder of the categories on table 8 are renumbered to accommodate the splitting of these 2 categories into four. This change results from Department reanalysis of the nature and range of application proposals likely to be submitted in these categories.

Table 9, “Water and Wastewater Facility Operator Licenses” is changed to add “Facility” in the table heading.

Table 10, “Water Quality Licenses” is changed as follows:

Change “Yes” to “No” in the “Subject to Sanctions” column for the following categories: 15, 16, 41, 42, 57, 58, 73, 74, 89, and. The categories all pertain to VEMUR approvals for which the Department does not charge application review fees.

Table 12, “Solid Waste Licenses,” is revised as follows:

Category 1, “Rule or standard variance request,” is revised under application components to change “A.A.C. R18-8-1122((P), R18-13-510” to “A.R.S. § 49-763.01.”

Category 2, “Biosolid applicator registration request acknowledgment, is revised to show the administrative completeness review time-frame changed from 11 to 15 business days. This corrects a typographical error in that the underlying program rule also states “15 business days.” The citation to “A.A.C. R18-13-1504(A)” is corrected to “A.A.C. R18-13-1504(A).”

Category 13, “Nonlandfill solid waste discharging facility AP permit transfer approval” is changed to add “fee” before “required.”

In categories 17 and 18, “Yes” is changed to “No” in the Sanctions column.

Table 13, “Special Waste Licenses,” is revised as follows:

Group I and it categories, 1-3, are deleted in that the Department has now determined that it, in fact, does issue these within 7 calendar days. This makes them exempt from this rule under A.R.S. § 41-1073(D). The remaining groups and categories are renumbered to reflect this deletion. In addition, complex special waste facility plan approval categories are deleted because these categories contained presumptive overall time-frames in excess of review times identified in statute. All applications will be processed in the basic categories identified as “standard” in the proposed rule. The changed rule text is as follows:

Table 13: Special Waste Licenses
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF	SR TF	Subject to Sanctions	Application Components
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~~Group I: Special waste identification number licenses:~~

1. Special waste generator identification number, 11	40	No	A.A.C. R18-8-302(A),
A.R.S. §§ 49-762 and 49-857,			Department application form required.
A.A.C. R18-8-302(A).			

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2. Special waste shipper identification number, A.R.S. §§ 49-762 and 49-857, A.A.C. R18-8-303(A).	11	40	No	A.A.C. R18-8-303(A); Department application form required.
3. Special waste receiving facility identification number, A.R.S. §§ 49-762 and 49-857, A.A.C. R18-8-304(A).	11	40	No	A.A.C. R18-8-304(A); Department application form required.

Group I H: Special waste licenses:

14. Waste from shredding motor vehicles alternative sampling plan approval, A.R.S. §§ 49-762 and 49-857, A.A.C. R18-8-307(A).	5	5	No Yes	A.A.C. R18-8-307(A); Initial fee required.
25. Special waste temporary treatment facility approval, A.R.S. §§ 49-762 and 49-857, A.A.C. R18-8-1610.	32	62	No Yes	A.A.C. R18-8-1607 and R18-13-403.

Group II H: Special waste facility plan licenses:

36. Existing-Standard-existing special waste facility plan approval, A.R.S. § 49-762.03(A)(2).	32	124	Yes	A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703, Department application form, site inspection, and initial fee required.
7. Complex-existing special waste facility plan approval, A.R.S. § 49-762.03(A)(2).	32	165	Yes	A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703, Department application form, site inspection, and initial fee required.
48. New-Standard-new special waste facility plan approval with no public hearing, A.R.S. § 49-762.03(A)(1).	32	62	Yes	A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703, Department application form, site inspection, and initial fee required.
59. New-Standard-new special waste facility plan approval with a public hearing, A.R.S. § 49-762.03(A)(1).	32	124	Yes	A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703, Department application form, site inspection, and initial fee required.
10. Complex new special facility plan approval with no public hearing, A.R.S. § 49-762.03(A)(1).	32	103	Yes	A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703, Department application form, site inspection, and initial fee required.
11. Complex new special facility plan approval with a public hearing, A.R.S. § 49-762.03(A)(1).	32	165	Yes	A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703, Department application form, site inspection, and initial fee required.
642. New special waste facility operation temporary authorization, A.R.S. § 49-762.03(C).	21	41	No	A.R.S. § 49-762.03(C), Site inspection required.

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The remaining groups and categories are renumbered.

In categories 24 and 25, “Yes” is changed to “No” in the Sanctions columns.

Table 14, “Landfill Licenses,” is revised as follows:

Complex solid waste facility plan approval categories are deleted because these categories contained presumptive overall time-frames in excess of review times identified in statute. All applications will be processed in the basic categories identified as “standard” in the proposed rule. Standard category names are revised to delete the word “standard.” The remaining categories are renumbered to reflect this changes.

Table 17, “Hazardous Waste Licenses,” is revised as follows:

In category 17, “Hazardous waste emergency permit,” delete “Fee: A.A.C. R18-8-270(G).”

In category 17, “Hazardous waste temporary authorization request approval,” delete “Fee: A.A.C. R18-8-270(G).”

In categories 31 and 32, “Yes” is changed to “No” in the Sanctions column and the citation in the License Category column is changed from “A.A.C. R18-2-207” to “A.A.C. R18-7-207.”

Table 18, “Underground Storage Tank Licenses,” is revised to delete the corrective action plan approvals and the SAF pre-approval, direct pay, and reimbursement approvals. These are deleted in response to comment that these categories are not subject to Article 7.1 licensing time-frames requirements. The Department believes that it should revisit this issue in an amendatory rulemaking context to allow a full public discussion of the issues. By deleting these categories in today's rule, the Department is able to move forward with the remainder of the rule. The table is revised as follows:

Table 18: Underground Storage Tank Licenses
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF	SR TF	Subject to	Sanctions	Application Components
	Days	Days			

Group I: Underground Storage Tank (UST) technical requirement license.

1. UST temporary closure extension request approval, A.R.S. § 49-1008, A.A.C. R18-12-270.	42	84	No	<u>A.A.C. R18-12-270(F)-(G)</u> A.A.C. R18-12-270(F)-(G) , Department application form required.
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Group II: Underground Storage Tank (UST) service provider licenses.

2. UST installation and retrofit service provider certification, A.R.S. § 49-1082, A.A.C. R18-12-803(1).	11	11	No	A.A.C. R18-12-806, Department application form required.
3. UST tightness testing service provider certification, A.R.S. § 49-1082, A.A.C. R18-12-803(2).	11	11	No	A.A.C. R18-12-806, Department application form required.
4. UST cathodic protection testing service provider certification, A.R.S. § 49-1082, A.A.C. R18-12-803(3).	11	11	No	A.A.C. R18-12-806, Department application form required.

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5. UST decommissioning service provider certification, A.R.S. § 49-1082, A.A.C. R18-12-803(4).	11	11	No	A.A.C. R18-12-806, Department application form required.
6. UST interior lining service provider certification, A.R.S. § 49-1082, A.A.C. R18-12-803(5).	11	11	No	A.A.C. R18-12-806, Department application form required.

Group III: Leaking Underground Storage Tank (LUST) licenses.

7. Standard LUST corrective action plan approval with no public meeting, A.R.S. § 49-1005.	42	146	No	40 C.F.R. §§ 280.66 and 280.67.
8. Standard LUST corrective action plan approval with a public meeting, A.R.S. § 49-1005.	42	209	No	40 C.F.R. §§ 280.66 and 280.67.
9. Complex LUST corrective action plan approval with no public meeting, A.R.S. § 49-1005.	42	209	No	40 C.F.R. §§ 280.66 and 280.67.
10. Complex LUST corrective action plan approval with a public meeting, A.R.S. § 49-1005.	42	272	No	40 C.F.R. §§ 280.66 and 280.67.
11. LUST VEMUR approval, A.R.S. § 49-152(B), A.A.C. R18-7-207.	15	47	No	A.A.C. R18-7-207.

Table 18 (Continued): Underground Storage Tank Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time Frame Requirements

ACRTE means Administrative Completeness Review Time Frame

SRTE means Substantive Review Time Frame

Day means business day

License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
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Group III (Continued): Leaking Underground Storage Tank (LUST) licenses.

12. LUST VEMUR cancellation approval, A.R.S. § 49-152(C), A.A.C. R18-7-207.	15	27	No	A.A.C. R18-7-207.
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Group IV: State assurance fund (SAF) licenses.

13. SAF firm pre-qualification approval, A.R.S. § 49-1052(D), A.A.C. R18-12-602, October 1, 1999	11	42	No	A.A.C. R18-12-602, Department application form required.
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14. SAF pre-approval, approval A.R.S. § 49-1052, A.A.C. R18-12-607 and R18-12-607.01.	21	42	No	A.A.C. R18-12-601, R18-12-607, and R18-12-607.01; Department application form required.
15. SAF direct payment approval, A.R.S. §§ 49-1052 and 49-1054, A.A.C. R18-12-607 and R18-12-607.01.	21	21	No	A.A.C. R18-12-601, R18-12-607, and R18-12-607.01(N) through R18-12-607.01(Q); Department application form required.
16. Standard SAF reimbursement approval, A.R.S. § 49-1052, A.A.C. R18-12-604 and R18-12-605.	42	84	No	A.A.C. R18-12-601, R18-12-604, and R18-12-605; Department application form required.
17. Complex SAF reimbursement approval, A.R.S. § 49-1052, A.A.C. R18-12-604 and R18-12-605.	42	167	No	A.A.C. R18-12-601, R18-12-604, and R18-12-605; Department application form required.

Table 19, “WQARF Remediation Licenses Issued by the Phoenix Office,” is revised as follows:

In categories 1 through 5, delete the following citations: R18-7-108 and R18-7-109.

Table 19-S, “WQARF Remediation Licenses Issued by the Southern Regional Office,” is revised as follows:

In categories 1 through 5, delete the following citations: R18-7-108 and R18-7-109.

Table 20, “Voluntary Program Remediation Licenses,” is revised as follows:

Groups II-VI and their categories, 2-26, are deleted. These categories are deleted in today's rule due to the difficulties inherent in determining whether an applicant is, in fact, the prospective licensee and therefore eligible for a refund of state monies. Applicants who are not prospective licensees are not “required by law” to obtain the license and therefore the licensing time-frames statute cannot apply to them. Although this possibility exists to a certain extent in both the underground storage tank (UST) and water quality assurance revolving fund (WQARF) remediation programs, no application fees are at stake. Fees, however, are at stake in the voluntary program and the incidence of applicants not being prospective licensees is also much higher. Payment of state monies by a state employee to persons not authorized by law to receive those monies can result in criminal penalties against the employee. The Department requested comment on how to proceed in this matter in the October 23, 1998, notice of proposed rulemaking (in the narrative discussion of Table 20) but received no comment. The Department expects to revisit this issue with the public in the coming months in preparation for the next annual housekeeping revision to this rule. The Department deletes these categories in this rulemaking so as not to delay the rest of today's rule pending resolution on this issue. The Department believes this not to be a substantial change from the proposed rule.

Groups VII and VIII are renumbered to Groups II and III. Categories 27 and 28 are renumbered to 2 and 3. Changes to the table shown in the proposed rule are as follows:

**Table 20: Voluntary Program Remediation Licenses
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements**

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR	SR	Subject	
	TF	TF	to	
	Days	Days	Sanctions	Application Components

Group I: Voluntary program acceptance license:

1. Voluntary program eligibility determination, A.R.S. §§ 49-104(A)(17) and 49-282.05.	21	21	No	A.R.S. §§ 49-104(A)(17) and 49-282.05.
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Group II: Voluntary program WQARF remediation licenses:

2. Voluntary program WQARF remedial investigation work plan approval; A.R.S. §§ 49-282.05, 49-282.06, and 49-287.03.	21	63	Yes	A.R.S. §§ 49-151, 49-152, 282.06, and 49-287.03; A.A.C. R18-7-108, R18-7-109; Fee: R18-7-201 through R18-7-209; Department application form, site inspection, and initial fee required.
3. Voluntary program WQARF feasibility study work plan approval; A.R.S. §§ 49-282.05, 49-282.06, and 49-287.03.	21	63	Yes	A.R.S. §§ 49-151, 49-152, 282.06, and 49-287.03; A.A.C. R18-7-108, R18-7-109; Fee: R18-7-201 through R18-7-209; Department application form, site inspection, and initial fee required.
4. Voluntary program WQARF standard remedial action plan (RAP) approval; A.R.S. §§ 49-282.05, 49-282.06, and 49-287.04.	21	105	Yes	A.R.S. §§ 49-151, 49-152, 282.06, and 49-287.03; A.A.C. R18-7-108, R18-7-109; Fee: R18-7-201 through R18-7-209; Department application form, site inspection, and initial fee required.
5. Voluntary program WQARF complex remedial action plan (RAP) approval; A.R.S. §§ 49-282.05, 49-282.06, and 49-287.04.	21	146	Yes	A.R.S. §§ 49-151, 49-152, 282.06, and 49-287.04; A.A.C. R18-7-108, R18-7-109; Fee: R18-7-201 through R18-7-209; Department application form, site inspection, and initial fee required.
6. Voluntary program WQARF letter of completion approval; A.R.S. § 49-285(B).	42	84	Yes	A.R.S. §§ 49-282.06 and 49-285(B); Fee: R18-7-201 through R18-7-209; Department application form, site inspection, and initial fee required.
7. Voluntary program WQARF VEMUR approval; A.R.S. § 49-152(B); A.A.C. R18-7-207.	15	47	Yes	A.A.C. R18-7-207; Fee: R18-7-201 through R18-7-209; Department application form and initial fee required.
8. Voluntary program WQARF VEMUR cancellation approval; A.R.S. § 49-152(C); A.A.C. R18-7-207.	15	27	Yes	A.A.C. R18-7-207; Fee: R18-7-201 through R18-7-209; Department application form and initial fee required.

Group III: Voluntary program nonlandfill solid waste remediation licenses:

9. Voluntary program standard nonlandfill solid waste remediation work plan approval; A.R.S. § 49-104(A)(17).	21	63	Yes	A.R.S. § 49-104(A)(17); Department application form, site inspection, and initial fee required.
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Table 20 (Continued): Voluntary Program Remediation Licenses
Subject to A.R.S. § 41-1073(A) Licensing Time Frame Requirements

ACRTF means Administrative Completeness Review Time Frame

SRTF means Substantive Review Time Frame

Day means business day

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License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
Group III (Continued): Voluntary program nonlandfill solid waste remediation licenses.				
10. Voluntary program complex nonlandfill solid waste remedial work plan approval; A.R.S. § 49-104(A)(17).	21	84	Yes	A.R.S. § 49-104(A)(17); Department application form, site inspection, and initial fee required.
11. Voluntary program nonlandfill solid waste VEMUR approval; A.R.S. §§ 49-104(A)(17) and 49-152(B); A.A.C. R18-7-207.	15	47	Yes	A.A.C. R18-7-207; Department application form and initial fee required.
12. Voluntary program nonlandfill solid waste VEMUR cancellation approval; A.R.S. §§ 49-104(A)(17) and 49-152(C); A.A.C. R18-7-207.	15	27	Yes	A.A.C. R18-7-207; Department application form and initial fee required.
Group IV: Voluntary program special waste remediation licenses.				
13. Voluntary program standard special waste remediation work plan approval; A.R.S. § 49-104(A)(17).	21	63	Yes	A.R.S. § 49-104(A)(17); Department application form, site inspection, and initial fee required.
14. Voluntary program complex special waste remediation work plan approval; A.R.S. § 49-104(A)(17).	21	84	Yes	A.R.S. § 49-104(A)(17); Department application form, site inspection, and initial fee required.
15. Voluntary program special waste VEMUR approval; A.R.S. §§ 49-104(A)(17) and 49-152(B); A.A.C. R18-7-207.	15	47	Yes	A.A.C. R18-7-207; Department application form and initial fee required.
16. Voluntary program special waste VEMUR cancellation approval; A.R.S. §§ 49-104(A)(17) and 49-152(C); A.A.C. R18-7-207.	15	27	Yes	A.A.C. R18-7-207; Department application form and initial fee required.
Group V: Voluntary program hazardous waste remediation licenses.				
17. Voluntary program standard hazardous waste remediation work plan approval; A.R.S. § 49-104(A)(17).	21	63	Yes	A.R.S. § 49-104(A)(17); Department application form, site inspection, and initial fee required.
18. Voluntary program complex hazardous waste remediation work plan approval; A.R.S. § 49-104(A)(17).	21	84	Yes	A.R.S. § 49-104(A)(17); Department application form, site inspection, and initial fee required.
19. Voluntary program hazardous waste VEMUR approval; A.R.S. §§ 49-104(A)(17) and 49-152(B); A.A.C. R18-7-207.	15	47	Yes	A.A.C. R18-7-207; Department application form and initial fee required.

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**Table 20 (Continued): Voluntary Program Remediation Licenses
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements**

ACRTF means Administrative Completeness Review Time-frame

SRTF means Substantive Review Time-frame

Day means business day

License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
Group V (Continued): Voluntary program hazardous waste remediation licenses.				
20. Voluntary program hazardous waste VEMUR cancellation approval; A.R.S. §§ 49-104(A)(17) and 49-152(C); A.A.C. R18-7-207.	15	27	Yes	A.A.C. R18-7-207; Department application form and initial fee required.
Group VI: Voluntary program leaking underground storage tank (LUST) remediation licenses.				
21. Voluntary program standard LUST corrective action plan (CAP) approval with no public meeting; A.R.S. §§ 49-104(17) and 49-1005.	42	146	Yes	A.R.S. § 49-1005; Department application form, site inspection, and initial fee required.
22. Voluntary program standard LUST corrective action plan (CAP) approval with a public meeting; A.R.S. §§ 49-104(17) and 49-1005.	42	209	Yes	A.R.S. § 49-1005; Department application form, site inspection, and initial fee required.
23. Voluntary program complex LUST corrective action plan (CAP) approval with no public meeting; A.R.S. §§ 49-104(17) and 49-1005.	42	209	Yes	A.R.S. § 49-1005; Department application form, site inspection, and initial fee required.
24. Voluntary program complex LUST corrective action plan (CAP) approval with a public meeting; A.R.S. §§ 49-104(17) and 49-1005.	42	272	Yes	A.R.S. § 49-1005; Department application form, site inspection, and initial fee required.
25. Voluntary program LUST VEMUR approval; A.R.S. §§ 49-104(A)(17) and 49-152(B); A.A.C. R18-7-207.	15	47	Yes	A.A.C. R18-7-207; Department application form and initial fee required.
26. Voluntary program LUST VEMUR cancellation approval; A.R.S. §§ 49-104(A)(17) and 49-152(C); A.A.C. R18-7-207.	15	27	Yes	A.A.C. R18-7-207; Department application form and initial fee required.
Group VII: Voluntary program greenfields remediation license:				
27. Voluntary program greenfields notice-to-proceed (NTP) approval; A.R.S. § 49-154(C).	5	5	No	A.R.S. § 49-154(C), Department application form required.

Group ~~III-VII~~: Voluntary program brownfields remediation license:

3-28 . Voluntary program brownfields certification, Governor letter to EPA of August 29, 1997, concerning the "designation of the Arizona Department of Environmental Quality as A State Environmental Agency pursuant to Section 198(c)(1)(C)" of the federal Taxpayer Relief Act of 1997.	21	21	No	Section 198(c)(1)(C) of the Taxpayer Relief Act of 1997, Department application form required.
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Table 21, "Pollution Prevention Licenses," is revised as follows to reduce ambiguity:

The name of category 1 is changed from "State agency generation level pre-approval" to "State agency hazardous waste generation level pre-approval."

11. A summary of the principal comments and the agency response to them:

Introduction to comments. The Department interprets a number of the following comments as requesting the Department to restrict a number of actions allowed by the rule including the ability to make more than 1 request for additional information. As explained under the analysis of statutory objectives at § 6(E)(1), for all licenses appearing in today's rule, applicants clearly bear the statutory burden to submit proof of eligibility to the Department (in the form of "application components") before the Department gains the statutory authority to issue the license. This means that Arizona law prohibits approvals by default for these licenses. Anything that restricts the Department from informing applicants that applications are incomplete inevitably means an increase in application denials. The Department believes that although the licensing time-frame statute expects the Department to assist applicants towards fashioning an approvable application in a number of ways, the basic statutory burden remains unchanged on applicants to prove eligibility.

During the informal public participation period of this rule making, the Department received numerous informal comments that suggested the opposite: (1) that applicants had a right to approvals by default unless the Department discovered a flaw in the application prior to the expiration of the time-frames, (2) that failure by the Department to identify a defect during the administrative completeness time-frame means that the Department can never again ask for the information and must grant the permit even in the absence of the information, and (3) that the Department is prohibited from making more than 1 request for additional information during the substantive review time-frame and that if not asked for in the 1 request, the Department must now grant the license in the absence of the information. These views clearly regard the time-frame concept as one in which the applicant gains a right to a license at the time of making an initial application and that the Department has only a limited ability to disqualify the applicant before the license is granted by default. This, the Department believes, is in direct conflict with Arizona law. The Department has found that many persons holding these views also tend to desire very short time-frames, highly abbreviated time-frame suspension provisions, and rigid restrictions on the Department's ability to inform applicants of application deficiencies. The Department has also found that many who have told the Department that they also hold the same basic interpretation of Arizona law as does the Department have requested the Department to lengthen time-frames, provide for suspensions under certain circumstances, and expressly confirm in rule the Department's ability to inform applicants of defective applications. Most of the following comments and the Department's responses can best be understood within the context and tension created between these opposing views and goals.

Although the Department received a number of comments on the proposed rule text and tables, the Department received no direct comment during the formal comment period on the statutory objectives analyzed in detail or the discussion of mitigation measures contained in the rule and analyzed in the preliminary economic impact statement in the preamble (and repeated in this notice at § 9(G)). After close of the rulemaking record and submission of a notice of final rulemaking to the governor's regulatory review council (GRRC) in December 1998, the Department received numerous comments from GRRC, the attorney general's office (AGO), and others on exactly these points. Within the context of GRRC review, the Department has modified this notice of final rulemaking to take these additional comments into account. These comments concerned the following primary issues: (1) time-frame suspension provisions (most must be deleted), (2) application lapse from time-frames provisions (all must be deleted), and (3) use of time-frames and time-frame clocks as a separate concept (clocks must be deleted). The Department believes these comments and requirements imposed by GRRC on the statutory objectives, economic impact, and rule impact reduction

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analyses contained in the preamble require the structure of today's rule. If today's rule is determined to be improper, the Department must revise its determination of these comments in regards to of the required statutory objectives and other analyses contained in the preamble and upon which this rule rests.

Comment 1. R18-1-501(1). Change this definition as follows:

"Administrative completeness" or "administratively complete" means Department receipt of all application components required by this Article sufficient to allow the Department to issue a notice of administrative completeness under A.R.S. § 41-1074. Issuance of a notice of administrative completeness ends ~~and thereby end the~~ administrative completeness review time-frame clock and starts ~~start~~ the substantive review time-frame clock ~~but does not mean statutory administrative completeness.~~

Response. The alternative word form should be added and the Department has made this change. The 2nd change would add more words to obtain an equivalent meaning. The Department believes that the word "thereby" in this context is clear and concise. The Department had believed the last phrase necessary in order to clarify that similar terms in statutes other than Article 7.1 do not operate in accordance with this Article. The Department found that this was a significant misunderstanding during the public workshops. Although striking the last phrase may increase rather than diminish this misunderstanding, the Department agrees to make this change.

Comment 2. R18-1-501(2). Change this definition as follows:

"Administrative completeness review" means clerical verification by the Department that the submitted application has all components required by statute or rule for ~~meet the requirements of~~ administrative completeness.

Response. No change to the proposed rule. The 1st change alters the meaning of the term "application components," a term used throughout this Article. The 2nd change also alters the meaning and scope of the definition. As proposed, the language incorporates the phrase "required by statute or rule" through the defined term "administrative completeness" under R18-1-501(1) plus other concepts such as "receipt" contained in that definition. The change would not accomplish this. The Department, however, has made other clarifications to this definition as shown in § 10 above.

Comment 3. R18-1-501(3). [Now deleted.] Delete this definition as unnecessary.

Response. The Department agrees to this change. The reason the Department had included a definition for the "administrative completeness review time-frame" was to distinguish it from "administrative completeness review time-frame clock," a companion term. The Department had introduced the concept of "time-frame clocks" operating within the "time-frames" was to avoid what it had identified as a serious ambiguity identified in Article 7.1. That ambiguity concerns the validity of public hearings and notices that might occur during a suspension period during the substantive review time-frame, during a time-frame extension, or after the expiration of all time-frames. This is an issue that may be unique to the Department and not a part of the licensing processes at other state agencies that do not have statutory requirements to hold hearings on proposed permits prior to issuance.

Article 7.1 requires that "[a]ny public notice and hearings required by law shall fall within the substantive review time-frame. A.R.S. § 41-1072(3) (emphasis added). On its face, 1 meaning of this requirement is that hearings or the notices proceeding them must not occur during time-frame suspensions, during time-frame extension, or after the overall time-frame expiration. If true, these occurrences would invalidate the validity of a public hearing (or required continuous public notice) occurring during a suspension or after expiration and would deny the Department authority to make any decision to grant the license. The Department has determined that this result cannot be a possible meaning of Article 7.1 when harmonized with other requirements with Article 7.1 and other statutes that require the Department to grant a license if certain conditions are met and without regard to the expiration of the overall time-frame. Under its duty to harmonize competing statutes, give meaning to all parts of every statute, and avoid absurd results, the Department had determined that it must develop specific and detailed definitions for all 3 time-frames and introduce the concept of clocks that operate within the time-frames. Under the proposed rule, (1) it was the clocks that suspended, not the time-frames themselves and (2) the substantive review time-frame continued until such time as a final licensing decision was made, even if that occurred after the expiration of the overall time-frame. Sanction would then be determined by expiration of the clocks, not the time-frames. This would allow the rule to operate as intended by Article 7.1. The Department had determined that this interpretation was not prohibited by the plain meaning of the statute and represented the least amount of harmonization necessary to avoid the absurd result that once the overall time-frame expired (or a substantive review time-frame expired), the Department would lose all authority to hold a required public hearing and therefore lose all authority to make a licensing decision to grant. Further discussion on this occurs in the preamble at §§ 5(E)(3)(c) ("substantive review time-frame"). GRRC objected to this approach as it believed that the use of time-frame clocks as proposed, in fact, would mean that the Department would never be subject to sanctions no matter how late because the time-frames would continue until the licensing decision was actually made. The Department disagrees with this analysis but has received assurances from the AGO that deletion of the

time-frame clock concept from today's rule will not cloud the legality of public hearings as discussed above. For this reason, the Department has deleted the time-frame clock concept from today's rule. This means that several definitions from the proposed rule are deleted from today's rule including this definition.

Comment 4. R18-1-501(3) [now deleted] and R18-1-503(A)(7). Delete this definition at R18-1-501(3). The definition of "administrative completeness review time-frame," contradicts the statutory definition at A.R.S. §41-1072(1). The statute states that the time-frame is the "number of days from agency receipt of an application for a license until an agency determines that the application contains all components required by statute or rule. . ." A.R.S. §41-1072(1). By contrast, the rule states that the administrative completeness time-frame is "the entire period after Department receipt of an applicant's 1st acceptable application component submittal under R18-1-503(A) until the starting of the substantive review time-frame." R18-1-501(3). Under proposed section 503(A)(7), an application is not acceptable until "all application components required by statute or rule" are included. In short, the Department is starting the time-frame clock for administrative completeness at the time the statute mandates that it be concluded. This is not what the legislature intended. The statutory definition is clear and understandable and it is not clear why the Department needs to interpret this definition. What is deemed an "acceptable" application component submittal? At worst, this implies some sort of after-the-fact review, whereby ADEQ would review an application component and if it were later deemed not acceptable for some reason, determine that the time clock never started. At best, the term is undefined and potentially confusing. The same comment applies to R18-1-501(22) [now deleted], R18-1-502(A)(12), and R18-1-503(A), which also refer to "acceptable" application components.

Response: The Department has made several changes in today's rule in response to this and the previous comment. This includes deleting several definitions as described in the previous comment as well as deleting the qualifier "acceptable" as identified in this comment. The Department, however, disagrees that the definition as proposed contradicted the statutory definition. The statute defines some, but not all, elements of the starting, suspending, resuming, expiring, and ending of the time-frames. The Department must interpret the statute as necessary to give certainty and meaning to these events critical to the determination of the running of the time-frames. The Department had proposed in rule only those elements it believed essential to the determination of all these events with certainty. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above. The Department has authority to interpret and implement a statute in this manner under A.R.S. § 41-1001(17). In response to the previous comment and with assurances from the AGO, however, the Department has now agreed to delete the time-frame clock concept from today's rule.

The Department has also deleted the qualifier, "acceptable," in today's rule. The term probably does not add significant meaning and may confuse more than help understanding. Still, the Department cannot be expected to expend tracking, processing, and reporting resources on an "application" that is so manifestly incomplete that any meaningful review is pointless. The Department also believes that applicants who do not wish to submit all required application components in the initial submittal should take reasonable steps to enter into a preapplication licensing time-frames agreement under R18-1-508 that coordinates phased submittals. The Department does agree that application review and time-frames should commence on any application that appears in good faith to be presumptively complete or on any application for which the applicant has conducted reasonable preapplication coordination with the Department.

In response to this comment, the Department has added a specific limitation at R18-1-503(I) on the Department's ability to reject applications as so defective that no time-frames clocks will be recorded as starting on the application. This provision allows the Department 5 days after the starting of the time-frames clocks to notify the applicant that the application is so defective that the application will not be subject to this Article.

In regards to the objection to the requirement contained in R18-1-503(A)(7) that the applicant shall submit all application components required by statute or rule at the time of the initial application, the Department believes that this is exactly what the statute requires. Time-frames, then, represent a discovery process during which the Department 1st determines whether what was submitted is administratively complete and then, second, whether it is substantively complete. Discovery that the initial submittal was not, in fact, complete may trigger certain suspension and extension provisions under the statute. An interpretation that all components are not required in the initial submittal must mean that the Department is required to process an application with the applicant submitting components in an unpredictably piecemeal fashion while the time-frames are running. If true, this would require the Department to increase time-frames to accommodate this lack of coordination and applicant preparation, something the Department does not believe is intended by the statute. See additional discussion on these points beginning in the preamble at § 5(E)(3)(a), "license application submission."

Comment 5. R18-1-501(4). [Now deleted.] Instead of 3 separate definitions for administrative completeness, substantive review, and overall time-frame clock, define only "clock" or "time-frame clock." In lieu of this, change this definition as follows:

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“Administrative completeness review time-frame clock” means the device used in this Article to account for the passage or suspension of time counting and assignment of certain days within the administrative completeness review licensing time-frame under A.R.S. § 41-1074.

and add the following new definitions:

“Time-frame” means a finite period of time, measured in days.

“Time-frame clock” means the device used in this Article to account for the passage or suspension of time within a time-frame.

Response. The Department has deleted these definitions. See Comment 3 above for more information.

Comment 6. R18-1-501(4). [Was R18-1-501(6).] Change this definition as follows:

“Applicant response” means a written response from the applicant to a Department notice that complies with all the following:

- a. The response identifies the applicant listing the applicant’s name, address, and telephone number.
- b. The response identifies the Department notice.
- c. The response is addressed to the Department employee identified in the Department notice as the designated recipient of the notice.
- d. The response contains the information or component requested by ~~identified by~~ the Department notice.
- e. The response identifies the license category.

Response. The Department has made other changes to subsection (4)(d) but, otherwise, no change to the proposed rule. The Department has determined that the additional requirements suggested for subsections (4)(a) and (e) are unnecessary and that the change suggested for subsection (d) may be interpreted as an attempt to exercise Department discretion in excess of its statutory authority. The term “information” does not need to be expanded to include “information or component” because Article 7.1 uses the term “information” to mean everything required by statute or rule. The inclusion of the word “requested” may be misinterpreted by applicants to mean that the Department is able to “request” information in excess of that already identified in statute or rule and to be able to suspend the time-frames until such gratuitous or otherwise nonrequired information is supplied. The Department, however, has made other clarifying changes to subsection (4)(d) as described in response to the next comment.

Comment 7. R18-1-501(4). [Was R18-1-501(6).] The definition of “applicant response” is problematic. In order for a response to be considered an “applicant response,” it must contain 4 elements. One of those elements is substantive. That substantive element requires that the response contain “the information identified [sic] the Department notice.” Consequently, in order to be a valid “applicant response” the response must contain the information requested by the Department. What if the information requested by the Department does not exist? What if the Department requests unreasonable amounts or types of information? What if the information requested by the Department is not necessary after an appropriate explanation? Making this a rigid element of the definition of “applicant response” may injure the applicant. Presumably, the applicant’s recourse in such a situation is to file a notice of intent to rely on the application components submitted (R18-1-520). A cross reference to that rule might be appropriate in this definition (specifically in subsection (4)(d)).

Response. The Department has modified the term, “information,” to “required information,” in subsection (4)(d) and added a reference to R18-1-520. The Department has authority only to ask for information required by statute or rule and necessary to make a determination to grant a license under A.R.S. § 41-1030(B) and other statutes. The Department has no authority to require an applicant to supply information in excess of that necessary to comply with A.R.S. § 41-1030(B) within the context of a license application. An applicant is not required to submit information that is, in fact, unnecessary, or is unreasonable. Claims of injury can be handled under R18-1-520 or other appeal processes. The Department believes that modifying the definition so that an applicant will comply with the requirement to submit required information without submitting any substantive or responsive information will tend to make requests for additional information pointless. Today’s rule imposes limits on the Department’s ability to control the restarting of time-frames after receipt of an applicant response. See R18-1-503(E) and R18-1-504(E). Today’s rule does not control more than this. Whether an applicant has, in fact, submitted all information required by statute or rule and necessary for the Department to make a decision to grant a license is one controlled by other statutes and rules, not today’s rule. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 8. R18-1-501(6). [Was R18-1-501(8).] Change this definition as follows:

“Application clerk” means a Department employee with authority to receive applications for the specific license category identified on the submitted application component or applicant response.

Response. No change to the proposed rule. The Department has determined that the suggested qualification represents a restrictive and unnecessary burden on applicants because it requires the applicant to identify the license category on every response, something the Department believes unnecessary and will not require in practice.

Comment 9. R18-1-501(9). [Was R18-1-501(10).] The definition of “complex” is not clear. The definition does not have any set guidelines or principles by which the regulated party would be able to understand or anticipate that its application will be subject to extended time-frames. The threshold for the determination of a complex application appears to be that the application requires “a significant increase in Department resources.” It is unclear what is significant. The regulated community is concerned that this may be a way for the Department to unilaterally extend the time-frame without just cause.

Response. The Department has made several changes in response to this comment and agrees that operation of this provision may prove problematic although the Department does not have unilateral authority to require its use. R18-1-521 makes clear that it is the applicant, not the Department, that has ultimate control over the use of a complex category. The Department has included the “standard/complex” element in this rule, however, in direct response to repeated requests by stakeholders attending the workshops that the Department must have the ability to give certain applicants more time in excess of just a bare adherence to time-frames requirements. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above. The Department stated in the preamble that it expects to use the complex category option in no more than 5-10% of all applications received in the safe drinking water and wastewater construction approval licenses governed by Tables 5, 6, and 7. See more on this point in the explanation to Table 5 at § 6(H) above. For all the rest of the licensing programs, the Department expects to process no more than approximately 20 applications annually in complex categories: perhaps 1 or 2 each on Tables 1, 2, 12, 13, 14, and 19, and perhaps 1-4 each on Tables 10 and 18. This estimate is based on Department experience. No complex categories are shown on Tables 3, 4, 8, 9, 11, 16, 17, 20, 21, and 22. Actual use of the complex category option will be tracked and stakeholders will be able to assess Department performance. Changes to this provision can be made in the annual housekeeping rulemaking the Department expects to conduct on this Article.

Changes made in today’s rule in response to this comment include a clarification of the definition of “complex, the addition of a definition for “companion category,” and the inclusion of the process the Department will use to administer the use of complex categories at R18-1-503(A)(4).

Comment 10. R18-1-501(10). [Was R18-1-501(11).] The definition of “day” is confusing. It will be very difficult for the regulated party to anticipate the appropriate day if it does not have ready access to the “state holidays.” A list of state holidays should be made available or its location easily identified for the applicant to find. Additionally, it is difficult to calculate business days for those categories with lengthy time-frames.

Response. No change to the proposed rule. The Department has strong reasons for using business days in that it puts all applications on an equal footing no matter the day of the week or month of the year submitted. See more on this point in the preamble at § 6(E)(3)(e), “counting of time-frame days.” Today’s rule is organized so that all times during which an applicant is required to perform some action is presented in calendar times (months, calendar days) while times during which the Department is required to perform some action is presented in business days. The Department has developed a computer tracking system that does all the time calculations automatically and converts them to calendar dates. Applicants will all have the name and telephone number of a Department employee who can answer questions concerning their application including the progress of the time-frame clocks. The conversion table shown at § 6(E)(3)(e) of the preamble and a list of state holidays will be included in a summary explanation of licensing-time frames requirements contained in the next edition of the Department’s permit handbook, a document that is freely available to all prospective applicants and reasonably well known by current licensees. In addition, the Department has established a central information group who will be highly trained in today’s rule and who will be able to answer questions and offer guidance in complying with this Article, the licensing time-frames statute, and other statutes and rules governing license application and review procedures.

Comment 11. R18-1-501(11)(c). [Was R18-1-501(12)(c).] Is notice to an electronic address reliable or legal?

Response. No change to the proposed rule. This rule allows electronic notice only if specifically authorized by the applicant. The Department received numerous requests during the informal public workshops to make such an option available in this rule. These same commenters informed the Department that they believed electronic notice (e-mail) provided a comparable level of reliability as the post. As for the legality of the provision, A.R.S. § 41-1004 expressly gives applicants the ability to “waive any right conferred on that person” by a provision of the administrative procedure act include licensing time-frames. Today’s rule requires applicants to request electronic notification before the Department gains authority to count such notice as meeting the requirements of the rule.

Comment 12. R18-1-501(11) and R18-1-501(12) [was R18-1-501(12) and R18-1-501(13)]. There is an inconsistency between the triggers for signaling “Department notification,” and for signaling “Department receipt.” Under the definition of “Department notification,” the Department is presumed to have given notice on the date of the postmark.

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Under the definition of “Department receipt,” the Department is not presumed to have received the communication until 5 days after it is postmarked. Providing that ADEQ notices are effective on the date of postmark is both good and bad. On the plus side, if ADEQ is notifying an applicant of (for example) administrative completeness, having the notice effective on the date of postmark essentially starts the substantive review time clock running sooner than if the date of receipt were used. On the negative side, it may put the applicant in a very disadvantageous position. The time-frame for the applicant to respond is cut dramatically. The time-frame for the Department is conversely expanded. The notice provisions should be equal and fair.

Response. No change to the proposed rule except minor clarification to R18-1-501(12) subsections (a) and (c). The Department believes that the determinations of notice and receipt as defined in the rule are extremely fair for the applicant and disagrees that the time is unfairly expanded for the benefit of the Department and that the time for applicant response is cut dramatically. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above. These definitions serve primarily to define the time so that the time-frames are moving forward only when the Department is able to proceed with application review (after the receipt of information) and not during the time the Department is still waiting to receive that information due to a notice of administrative deficiencies or a request for additional information.

In constructing these definitions, the Department started with the widely used business and legal practice of adding 5 days to the date of a postmark to determine presumptive receipt. This benefits applicants in that it provides a high degree of prospective certainty, a key legislative goal of Article 7.1. In the proposed rule, the Department used the concept of a lapse date to set the time within which an applicant must respond in order to keep the application subject to time-frames. The lapse date concept is deleted from today’s rule. This means that the question of when a response is so late that the Department should now deny an application is not governed by today’s rule. These determinations will be handled under the individual program statutes and rules using established principles of Arizona administrative law.

Comment 13. R18-1-501(12). [Was R18-1-501(13).] Change this definition as follows:

“Department receipt” of an application component or an applicant response means 1 of the following days, whichever is later:

...

~~d. If during an application moratorium or time frame suspension declared under R18-1-518, the day after the moratorium or suspension ends.~~

Subsection (12)(d) should be deleted because R18-1-518 should also be deleted.

Response. The Department disagrees and has not deleted subsection (12)(d) of the proposed rule. See additional explanation and discussion on this point at §§ 6(E)(3) and 6(G)(2) of the preamble and Comments 108 and 110.

Comment 14. R18-2-501(13)(a). [Was R18-1-501(13)(a).] For an applicant’s submission to be considered received by ADEQ when hand-delivered, it apparently must be “handed to an application clerk” (defined as an ADEQ employee with authority to receive applicants for the specific license identified on the submission) “by the applicant.” Delivery to the front desk at ADEQ presumably would not satisfy this requirement (unless the front desk employees were deemed to be application clerks for every program). Instead, the document would have to be handed to someone with authority over the particular license program in question. This could prove to be a trap for the unwary (e.g., documents delivered to ADEQ on the date a submission was due could be held to be untimely because they were not hand delivered to an application clerk). In addition, use of the phrase “by the applicant” suggests that the use of delivery services will not satisfy this requirement. These provisions are unnecessarily stringent and complicated, and may prove difficult for less sophisticated applicants to comply with.

Response. The Department disagrees. In accordance with A.R.S. 41-1079, all prospective applicants will be given written materials that describe all the steps necessary in the application process including who will receive submittals. The Department is initiating a special application receipt counter at the Phoenix, Northern Regional, and Southern Regional offices that will receive initial application submittals for almost all categories shown in today’s rule. Further submittals are only required in response to Department notifications of deficient applications under this Article. All Department notifications will identify exactly whom the submittal is to be addressed. Today’s rule does not prohibit applicants from using delivery services or other agents to make submittals. Under the Arizona law of agency, an applicant’s agent is the applicant as far as the Department is concerned. Use of the term “applicant or applicant’s agent” probably is a tautology as far as this Article is concerned.

Department experience is that some degree of control must be maintained as to when the time-frames should start or resume due to Department receipt of an application submittal. It is not unusual that an applicant for, say, a wastewater permit may mail a submittal to a Department employee in the Air Division with no identifying information as to what the submittal concerns. Finding the proper destination for quasi-anonymous submittals can take time. Failure by an

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applicant to follow basic directions as to where to make a submittal should not result in the time-frame running and the Department not even know that it is running.

Comment 15. R18-1-501(x). Add a new definition as follows:

“Expiration” means that the number of days allotted for a time-frame has run out.

Response. No change to the proposed rule. The Department has determined that the plain meaning of “expiration” is sufficient to meet the needs of this rule. The suggested language may well raise more ambiguities than it might resolve in that it might suggest that the plain meaning does not apply in this Article.

Comment 16. R18-1-501(14). [Was R18-1-501(15). Change this definition as follows:

“Fee excusal” means the sanction imposed on a Department fund under A.R.S. § 41-1077(A) that requires the Department to excuse payment of further fees that have not yet been paid by ~~required from~~ the applicant by the Department.

Response. No change to the proposed rule. The Department believes the proposed language is clearer and more precise than the suggested language.

Comment 17. R18-1-501(14) [was R18-1-501(15)]. The term “fee excusal” should be “excused fee.”

Response. No change to the proposed rule. “Excusal” is a plain English word as is defined in *Webster’s Third New International Dictionary* as especially appropriate for use when a fee is involved.

Comment 18. R18-1-501(17). [Now deleted.] Add a comma to the 1st sentence of this definition after “notification” as follows:

“Lapsed application” means an application that has ceased to be subject to this Article due to the applicant’s failure to submit a timely response to a Department notification, made under this Article.

Response. The Department has deleted this definition as explained in the next comment.

Comment 19. R18-1-501(17). [Now deleted.] Delete this definition and all provisions of the rule that provide for the lapse of an application from this Article. The Department has authority under Article 7.1 to announce in rule that an application can be deemed withdrawn and no longer subject to time-frames should an applicant fail to respond to a request for additional information within a fixed period of time. The Department, however, does not have authority to continue to allow an application to be subject to review if, at the same time, it is not also subject to this Article.

Response. The Department has deleted this definition and all references to lapse in today’s rule in response to objections from GRRC that the Department had exceeded its authority in the proposed rule. See also response to Comment 12.

The Department is aware that each agency has followed its own interpretation of Article 7.1 when implementing time-frames in rule. The Department of Real Estate, for example, shows 4 time-frames: the standard administrative completeness review and substantive review time-frames described in statute plus 2 time-frames that apply to applicants (one in each of the 2 main time-frames) and which provide that if the applicant fails to submit a response to requests for additional information, the application will be withdrawn and the application fee forfeited. The Department has analyzed this interpretation of Article 7.1 (one that has been approved by GRRC) and determined that this approach is sure to result in many unnecessarily harsh impacts on applicants. For this reason (and because the concept of lapse or withdrawal is not mentioned in Article 7.1), the Department has decided to delete all references to lapse in today’s rule. This means that lapse and withdrawal will continue to be issues governed by existing program statutes and rules and will not be addressed in today’s rule.

Comment 20. R18-1-501(22). [Now deleted.] Change the 1st sentence of this definition as follows:

“Overall time-frame” has the meaning prescribed in A.R.S. § 41-1072(2). The Department interprets this term to mean the entire period, measured in days and listed in the license table, after the ~~from~~ Department receives ~~receipt of~~ an applicant’s 1st application component submittal under R18-1-503(A) until the Department notifies the applicant of its determination to grant or deny the license under R18-1-507(A).

Response. The Department has deleted this definition for the reasons given in response to Comment 3 above.

Comment 21. R18-1-501(22). [Now deleted.] The definition of “overall time-frame” misconstrues the statutory intent of A.R.S. § 41-1072(1). The Department has improperly interpreted “administrative completeness review.” The statutory definition is clear and understandable. Why does the Department need to interpret this definition?

Response. The Department has deleted this definition for the reasons given in response to Comment 3 above.

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Comment 22. R18-1-501(23). [Now deleted.] Change this definition, “overall time-frame clock,” to read in a manner similar to that suggested in Comment 5.

Response. The Department has deleted this definition for the reasons given in response to Comment 3 above.

Comment 23. R18-1-501(22). [was R18-1-501(26)]. This definition should not exist. “Pre-application,” is that time-frame envisioned by the Legislature as “administrative completeness review.”

Response. No change to the proposed rule. The Department disagrees with this interpretation of statute. The Legislature clearly envisioned that “administrative completeness review” commence upon the submission of the application, not before.

Comment 24. R18-1-501(25). [Was R18-1-501(28).] Add a comma to this definition before “caused” in a manner to that suggested in Comment 18.

Response. No change to the proposed rule for the same reason given in the response to Comment 18.

Comment 25. R18-1-501(33) through R18-1-501(35). [Now deleted.] Delete these definitions from this rule because they do not appear in the rule text. In addition, the definition of “statutory administrative completeness” should be deleted because an application cannot be “administratively complete” unless an agency has everything it needs from the applicant to make a licensing decision. Everything would include anything required under statutes other than those in A.R.S. §§ 41-1072 through 41-1079. (Emphasis in original comment.)

Response. The Department has deleted these 3 definitions even though it disagrees with this analysis. If true, there would be no authority for the Department to ever make a request for additional information during the substantive review time-frame, enter into a supplemental request agreement, or require an applicant to respond to relevant points raised during a public hearing because all these events occur after an application is “administratively complete.” The licensing time-frame statute (Article 7.1), however, clearly addresses the possibility that applicants may be required to respond to these 3 post-administrative completeness deficiencies. This comment illustrates the possibility that an applicant may misunderstand the limited nature and legal effect of achieving “administrative completeness” as defined under statutes other than Article 7.1. It was to avoid exactly this misunderstanding that these definitions were included in the proposed rule. The Department has deleted these definitions in response to objections by GRRC and assurances by the AGO that deletion would not increase applicant uncertainty over the legal status of time-frames identified in statutes other than Article 7.1.

These defined terms were used in the proposed rule text as follows:

R18-1-501(34) was found used at R18-1-501(1) and R18-1-501(35).

R18-1-501(35) was found used at R18-1-501(3).

R18-1-501(36) was found used at R18-1-501(23).

Comment 26. R18-1-501(29). [Was R18-1-501(36).] The definition of “substantive review” is confusing. It is unclear what is meant by the phrase, “nor does it include Department investigations resulting from reporting or notification requirements.” The definition of “substantive review time-frame” put forth in statute indicates that it includes all actions of the Department after the “administrative completeness review” and until the agency determines whether or not to issue a license. Therefore, the investigations noted in R18-1-501(37) appear to be included within the legislative definition of substantive review.

Response. No change to the proposed rule. The Department disagrees that investigations are subject to Article 7.1 and for this reason clarified its understanding in this rule. See additional discussion on these points at Comments 4 and 21 and §§ 6(E)(3) and 6(G)(2) above.

Comment 27. R18-1-501(29). [Was R18-1-501(36).] Change this definition as follows:

“Substantive review” means the qualitative evaluation by the Department of whether an application, including each application component or an applicant, meets all substantive criteria required by statute or rule ~~application components and does not include clerical verification of the components nor does it include Department investigations resulting from reporting or notification requirements.~~

Response. The Department has made some, but not all, suggested changes to the proposed rule. The Department believes the proposed language generally is clearer than that suggested in the comment. First, the Department does not distinguish between the evaluation of “application components” and the “applicant.” Second, the introduction of the statutory term “substantive criteria” (without more) in lieu of “all requirements” is sure to reduce meaning and clarity. Is “substantive criteria” the same as, or only a subset of, “all requirements”? The Department is required by

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statute to evaluate “all requirements” and, therefore, has given clear meaning to the statutory term “substantive criteria” in the language of this definition. The Department, however, has added the “required by statute or rule” clarification.

Comment 28. R18-1-501(37). [Now deleted.] Change this definition as follows:

“Substantive review time-frame” has the meaning prescribed in A.R.S. § 41-1072(3). The Department interprets this term to mean the entire period, measured in days and listed in the license tables, after an application is deemed administratively complete after the end of the administrative completeness review time frame until either the Department makes a licensing ~~determination decision~~ or the applicant causes the time-frame clocks to end under R18-1-507. The substantive review time-frame does not include days for ~~includes~~ time-frame clock suspension ~~or~~ and time-frame extension periods.

Response. The Department has deleted this definition for the reasons given in the response to Comment 3.

Comment 29. R18-1-501(37). [Now deleted.] The definition of “substantive review time-frame” improperly expands the same statutory definition found at A.R.S. § 41-1072(3). The statutory definition does not allow for the expiration of this review period by applicant activity. Rather, only the Department can take action to cause this time-frame to expire. By contrast, the Department’s proposed definition of “substantive review time-frame” adds elements which provide for the expiration of the time-frame upon applicant response or lack thereof. Therefore, R18-1-507 does not properly establish when a substantive time-frame can expire. The statutory definition is clear and understandable. Why does the Department need to interpret this definition?

Response. The Department has deleted this definition for the reasons given in the response to Comment 3.

Comment 30. R18-1-501(38). [Now deleted.] Change this definition to read in a manner similar to that suggested in Comment 5 as follows:

“Substantive review time-frame clock” means the device used in this Article to account for the passage or suspension of time counting and assignment of certain days within the substantive review licensing time-frame under A.R.S. § 41-1075(A).

Response. The Department has deleted this definition for the reasons given in the response to Comment 3.

Comment 31 [82]. R18-1-501(30). [Was R18-1-501(39).] Change the 1st sentence of this definition as follows:

“Time-frame extension” means the entire period measured in days, after the presumptive overall time-frame would otherwise expire and during which an application is not subject to sanctions.

Response. No change to the proposed rule for the same reasons given in the response to Comment 5 above. The modifier “presumptive” is not appropriate in this context because the overall time-frame may well expire at a time other than that of the presumptive overall time-frame.

Comment 32. R18-1-501(30). [Was R18-1-501(39).] The definition of “time-frame extension” is confusing. It suggests that the application is subject to sanctions. The proper subject of sanctions is the Department, not the application. Additionally, the phrase “pursuant to an agreement between the applicant and the Department” should be added at the end of the 1st sentence to clarify that time-frame extensions must be mutually agreed upon.

Response. No change to the proposed rule. The Department understands the licensing time-frames statute to mean that sanctions result from the Department’s handling of applications subject to today’s rule. The Department believes that the rule makes this understanding clear.

Comment 33. R18-1-501(40). [Now deleted.] Change this definition as follows:

“Time-frame extension clock” means the device used in this Article to account for the passage or suspension of time counting and assignment of certain days within a licensing time-frame extension under A.R.S. § 41-1075(B).

Response. The Department has deleted this definition for the reasons given in the response to Comment 3.

Comment 34. R18-1-501(31). [Was R18-1-501(41).] The definition of “withdrawn application” references section R18-1-517(B). That section does not mention anything about withdrawing an application. Perhaps the Department intended to cite R18-1-517(C)?

Response. Yes. The citation is corrected.

Comment 35. R18-1-502(A). Section 502(A) sets forth the applicability of the Licensing Time-frame Rules. According to the preamble, “Licenses that result from notification requirements but that do not require the Department to

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issue a written license in response are excluded.” Why? The statutory authority for the licensing time-frames does not provide for such a limitation. Accordingly, Article 7.1 states that this article does not apply to 3 categories of licenses. Those issued: 1) pursuant to tribal state gaming compacts; 2) within 7 days after receipt of initial application; and, 3) by a lottery method. A.R.S. § 41-1073(D). Nowhere does the statute allow for the rule to expand these categories. Therefore, the only licenses that can be excluded from the rules are those set forth in the statute, not the 12 categories established by agency fiat in the rule. If the Department feels there is a need to expand § 41-1073(D), it should look to a legislative change. In the alternative, if the Department chooses to ignore the limitation in the statute, then Tables 18 and 20 should be exempt from this rule making. A.R.S. § 49-1091 already sets forth the time-frames for these actions and these licenses are not subject to fees.

Response. No change to the proposed rule. The Department disagrees with the above analysis. The statute clearly states that it apply only to licenses the Department “issues.” This makes sense because if the Department does not “issue” the license, there can be no application review time during which an applicant is waiting to hear of the Department’s decision, no licensing decision, and no application submitted to the Department. See additional discussion on these points at §§ 6(E)(1) and 6(G)(2) above. See Comments 134 and 135 below concerning Tables 18 and 20.

Comment 36. R18-1-502(A)(1): This exemption applies a circular logic that has no conclusion. R18-1-502 asserts that all licenses not requiring an application are exempt from the rules. The definition of an “application” necessarily requires under R18-1-501(7) that the applicant request the license in writing “under R18-1-502.”

Response. No change to the proposed rule. Without an application (written request to obtain a license), there can be no way for the Department to know when someone has asked the Department to consider granting a license or what kind of license might be desired. By its terms, the licensing time-frames statute governs only written licenses issued by the Department. The Department administers no licenses that it issues in writing subject to the licensing time-frames statute that require only oral applications.

Comment 37. R18-1-502(A)(2). This provision would appear to cover general permits that are triggered simply by notice to ADEQ. Some general permits established by statute or rule may provide (or may in the future provide) ADEQ with an opportunity to request additional information from an applicant to verify compliance with the terms of the permit. Are all of these examples identified in the tables accompanying the proposed rule? If not, are time-frames applicable to ADEQ’s review of information submitted by the applicant in this situation (and if so, how)?

Response. No change to the proposed rule. Yes, all such individual licenses issued by the Department and requiring an application are included in today’s rule. One example is the class I general coverage ATO permit shown as category 25 on Table 1. See additional discussion on this point at §§ 6(E)(1) and 6(G)(2) above.

Comment 38. R18-1-502(A)(3). The statute requiring that the Department establish licensing time-frames does not distinguish between “a license issued at the Department’s initiative,” and other licenses. The statute requires that an agency that issues licenses shall have in place overall time-frames for granting or denying “each type of license that it issues.”

Response. No change to the proposed rule. One example of a license the Department issues on its on initiative is the class I reopening described at § 6(H)(1)(b)(4) above. This license is administered as part of the state’s clean air program and requires no application or submittals from the prospective licensee. Without an application or other submittals from an applicant, there can be nothing for time-frames to measure. Today’s rule, however, does govern all cases where a prospective licensee makes a written request (application) to the Department to grant a license. See Comment 35 above for more discussion on this point.

Comment 39. R18-1-502(A)(4). Why is it necessary to include an exemption stating that time-frames do not apply to a license that has been granted by default because the Department did not act within a time-frame identified in statute or rule? Does this exemption mean that no refund/penalties/fee excusal applies in such a case (since the license is exempt from the time-frames article)? Or is this simply a way of restating the concept articulated in R18-1-502(C)?

Response. No change to the proposed rule. If the Department can never be late in making a licensing decision, there can never be a refund, fee excusal, or penalty. If the Department can never be late, no applicant can ever be kept waiting past a date certain due to a delay in the Department reaching a licensing decision. This exclusion applies primarily to waste pollution plan approvals that are deemed “acceptable” by statute should the Department fail to act within 90 calendar days of application receipt. This is an example of the statute giving an applicant a right to an issued license subject only to the Department finding fault with an application within a fixed time period. See additional discussion on these points at §§ 6(E)(1) and 6(G)(2) above.

Comment 40. R18-1-502(A)(5). It is unclear where the Department gets the authority to limit its broad statutory responsibility to provide time-frames for each type of license that it issues. Under this Section, the Department could

exempt categories of licenses from the time-frame rules merely by failing to place them within the accompanying table. This is not what the legislature intended.

Response. No change to the proposed rule. The Department understands its rulemaking obligations under the licensing time-frames statute, Article 7.1, as 2-fold. First, it must identify all licenses it issues that are governed by Article 7.1. Second, it must establish time-frames in rule. This clearly means that all governed categories are required to be in rule and that it will be the rule that determines how the time-frames operate. This also means that Article 7.1 is not self-implementing.

The exclusion stated above follows directly from the inevitable meaning of Article 7.1 in that (1) time-frames in statutes other than Article 7.1 are not directly determinative of the operation of Article 7.1 time-frames, imposition of sanctions, and reporting requirements and (2) only categories identified in rule shall be governed by the operation of Article 7.1. Members of the public may have varying opinions as to what should or should not be classified as a license subject to Article 7.1. The definition of "license" in the administrative procedure act can be difficult to understand in certain circumstances. It is the duty of the Department, however, to speak on this matter with clarity. Today's rule expresses the Department's determination of exactly which categories meet the requirements of Article 7.1. From time to time, the Department must modify this determination as new programs (and licenses) are created by the Legislature and existing programs revise existing licenses. The Department expects to conduct housekeeping amendatory rule makings at least annually to keep today's rule up to date. See additional discussion on these points at §§ 6(E)(1) and 6(G)(2) above.

Comment 41. R18-1-502(A)(8). Why are license applications for which the applicant is not the prospective licensee exempt from time-frames? (Does it have anything to do with the fact that the refund might not go to the licensee?) If a consultant prepares an application on behalf of a relatively small and unsophisticated licensee, would this exemption kick-in and mean that time-frames do not apply? Does the Department feel it is necessary to exempt these licenses because the applicant is not the proper party? If the party applying for a license is not the proper party, that license should be rejected under the appropriate licensing rule. That application should not be addressed by this rules since it would not be a proper license application.

Response. No change to the proposed rule. This comment touches on an area about which the Department still has uncertainty. Article 7.1 applies only to "licenses." This is a defined term in statute and requires that there be someone (the prospective licensee) whose rights, duties, or privileges under the law would change if the Department grants the license. There are instances, especially in the remediation license areas, where an applicant is not a prospective licensee, in that the applicant is not likely to experience a change to its rights, duties, or privileges under the result whether the Department approves the application or not. One example is a prospective purchaser of land that may require remediation under the law and who seeks Department approval of a remediation plan or other matters. While the outcome of Department approval may well influence whether the applicant proceeds and purchases the land, the applicant (as merely a prospective purchaser) gains no change in status under the law at the time the Department might approve the application. If such applications are subject to Article 7.1 and incur review fees, who would be entitled to a refund? Not the applicant in this case because the approval does not represent a "license" to the applicant. Other statutes require the Department to give state monies only to persons who have a legal right to receive them. Here, the only way a person may obtain a legal right to receive a refund under Article 7.1 is to have applied for a "license" with the meaning as described above.

There may well be 3rd-party licensees who do benefit passively from a Department approval. This may be an easily identified person or there may be a dispute or potential dispute as to the identity of all persons who may have some duty to remediate under the law for any particular property. The Department sees no way it can have the ability to enter into tracing and responsible party investigations only due to the need to give money to someone. It is also true that virtually all approvals granted by the Department may have 3rd-party passive beneficiaries, perhaps many for each license. It is for all of these reasons that the Department has determined that Article 7.1 limits the scope of refunds only to applicants who gain a legal right to the refund because they requested a "license" and not to passive 3rd-party prospective licensees.

This situation can also occur in the underground storage tank (UST) program and the superfund programs but because no application review fees are charged, there can be no refunds. This means that the restriction on the payment of state monies described above do not apply. For this reason, no exclusion on this basis is being made in today's rule and the Department expects to apply this rule to all applications in the categories identified on those program tables without regard to whether the applicant is, in fact, a prospective licensee. The voluntary program remediation licenses, however, do incur review fees. The Department has deleted those categories of table 20 that incur fees from today's rule due to the difficulties described above and because of the high likelihood that applicants in that program may not, in fact, be prospective licensees. State law, however, provides the Department authority to review applications in these programs without regard to whether the applicant is, in fact, the actual prospective licensee. This means

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that the Department cannot refuse to process such applications in the manner suggested by the commenter. See additional discussion on these points at §§ 6(G)(2), 6(H)(20), and § 10 (Table 20) above.

Comment 42. R18-1-502(B). This section asserts that an application submitted under these rules will not be subject to any future rule making. This provision is beyond the authority of the Department. To presently limit the application of future rules to an application is not only legally counterintuitive, but it prevents the applicant from having an ability to comment on the application of those future rules. Applicability sections should take into account presently existing applications. It is impossible, however, to predict the form and substance of a future rule. It is suggested that the Department delete the part of this section dealing with future rule makings and wait until those rule makings actually take place to determine if previously submitted applications are excluded.

Response. The last 2 sentences are deleted. The Department agrees that state law prohibits statutes and rules from having retroactive effect unless expressly authorized in statute. The licensing time-frames statute does not expressly authorize retroactive effect. This means that the Department has no authority to impose retroactivity. Further, the nature of the statute is such that it requires both applicants and the Department to perform many complex tasks throughout the pendency of an application. Should the rule change after an application is already in process, a retroactive effect of a change would require recalculation of all pending applications in process and may result in automatic expiration at the moment the new rule goes into effect, especially if the new rule reduces time-frames in certain categories. This would cause havoc for applicants, something not intended by the statute. It would also make it extremely difficult to make any adjustments to the rule once effective because any change would effect all applications at once. Recognizing that rule amendments will not effect applications in process gives wide latitude to changes possible in a rule revision including dramatic reductions in time-frames and other changes. R18-1-513, “opt-in licensing time-frame agreements,” can provide a means for applicants to make a pending application subject to a rule revision. In addition, any amendatory rulemaking is able to make specific changes to this restriction in rule in order to make a smooth transitions from 1 rule version to another. The Department, however, makes this requested change by deleting the last 2 sentences.

Comment 43. R18-1-502(B). Change the 1st sentence of this subsection as follows:

If an application ~~is becomes~~ subject to this Article, it remains subject to the terms of the original license category in which it was classified unless the application lapses from this Article, is withdrawn, is altered by a licensing time-frames agreement, or is changed under R18-1-516.

Response. No change to the proposed rule. This is a close call but “becomes” has a more definite meaning than the indefinite “is” and, therefore, adds more clarity to the exact intent of this important provision.

Comment 44. R18-11-502(C). A.R.S. § 41-1073(B) states that if statutory licensing time-frames already exist for a particular type of license but do not establish separate time-frames for administrative review and substantive review, the time-frames rule should establish such periods that together shall not exceed the statutory time-frame. ADEQ appears to be extending this provision to address time-frames already existing in rule as well as statute. However, ADEQ states that for purposes of determining when refunds are due, separate time-frames (as established in this rule) will apply. This is inconsistent with the statute, which provides that the administrative completeness and substantive review time-frames together should not exceed the existing statutory time-frame. An example (albeit in a rule context) is the APP program, which establishes a 30-day period for administrative review and an additional 90 days for substantive review. See A.A.C. R18-9-107(D)-(E). Pursuant to the proposed rule, these time-frames would still apply in lieu of those in the time-frames tables, but the tables would govern when and if refunds were due. This makes a mockery of existing time-frames established in statute or rule and circumvent the intent of the statute.

Response. No change to the proposed rule. The Department disagrees with this analysis. The APP rule example cited requires the Department to issue a proposed licensing decision at the end of 90 days. The Department does not gain authority under the remainder of the APP rule to make a final licensing decision on the application until after that proposed decision has been published, subjected to public comment, and if a request for a public hearing is made, not until after the hearing is held. Article 7.1 clearly requires that public hearings required by law must occur during the substantive review time-frame. This means that the time-frame must be long enough to contain all required activities and not just the issuance of the proposed decision. See additional discussion on these points at §§ 6(E)(3), 6(G)(2), 6(H)(10) above. Also, note that there are no application review times in statute governing APP. All review times are in rule and, therefore, not subject to the limitation cited in the comment. The Department, however, did use the times in rule as the maximum for all the standard APP categories and reduced those times in certain instances. See more discussion on this point at § 6(H)(10) above.

Comment 45. R18-1-503. Add “administrative deficiencies” to the section title.

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Response. No change to the proposed rule. The Department believes that the provisions concerning administrative deficiencies are announced adequately by the use of the term “administrative completeness” in the section title.

Comment 46. R18-1-503(A). This section contradicts the statutory definition of administrative completeness review time-frame.

Response. No change to the proposed rule. See Comment 4 above for discussion on this matter.

Comment 47. R18-1-503(A). Change this subsection as follows:

~~For each application, the~~ The administrative completeness review time-frame clock ~~for an application~~ begins on the day ~~the of~~ Department ~~receives receipt~~ of the 1st component submittal in support of the application that contains all of the following:

1. ~~Name, address, and telephone number~~ Identification of the applicant.
...
4. ~~Name Identification~~ of the license category in which the application shall be 1st processed. If companion categories are shown on a license table for this license, the application shall be 1st processed in the companion category that is determined as follows:
 - a. If “standard” and “complex” categories are shown, in the “standard” category.
 - b. If “without a public hearing” and “with a public hearing” are shown, in the “without a public hearing” category.
 - c. If “without a public meeting” and “with a public meeting” are shown, in the “without a public hearing” category.

Response. No change to the proposed rule. In the stem, the Department believes the change to “[f]or each application” and the addition of “of” are unnecessary. The change from “Department receipt,” a defined term, to “the Department receives” may be construed as having a different meaning. The Department believes the changes suggested to subsections (1) and (4) are too restrictive on the part of applicants and are, therefore, unnecessary.

Comment 48. R18-1-503(B). Change the stem of this subsection in the same manner as R18-1-502(A) described in Comment 47.

Response. No change to the proposed rule for the same reason given in the response to Comment 47.

Comment 49. R18-1-503(C). [Now deleted.] This section provides the Department with the authority to require the applicant to respond to 1 or more notices of administrative deficiencies during the administrative completeness review time-frame. This section is beyond the authority of the statute. The statute affords the Department the opportunity to issue “a written notice” including “a comprehensive list of the specific deficiencies in the written notice.” Section 503(C) does not adhere to either of these 2 requirements. The proposed rule expressly states that the Department may request 1 or more. The proposed rule also fails to limit that request to “a comprehensive list.”

Response. The Department has deleted this Section although the Department disagrees with this analysis. The rule makes clear that no grant of a license application will be declared procedurally flawed because the Department informed an applicant more than once that an application was not administratively complete. Article 7.1 does not limit Department requests to “only one” nor is this good public policy in that it would prohibit the Department from helping an applicant achieve an approvable application. See additional discussion on these points at §§ 6(E)(3) and 6(E)(4) above. The Department, however, has deleted this Section.

Comment 50. R18-1-503(D). [Now deleted.] The rule proposes that an application will lapse if the requested information is not returned to the Department by the “lapse date identified in the notice.” This section should cross-reference Section 517.

Response. The Department has deleted this subsection as described in the response to Comment 19.

Comment 51. R18-1-503(D). [Now deleted.] All provisions for lapse should be deleted from the rule.

Response. The Department has deleted this subsection as described in the response to Comment 19.

Comment 52. R18-1-503(D). [Now deleted.] Concerning the calculation of lapse dates, how is the lapse date to be determined? This determination needs criteria in rule. There is nothing to indicate that it might be longer than the “2 months” identified in this provision.

Response. The Department has deleted this subsection as described in the response to Comment 19.

Comment 53. R18-1-503(C). [Was R18-1-503(E).] When would a notice of administrative deficiencies not suspend the time-frame clock?

Response. When it does not state that it is suspending the clock. This means that no grant of an application can be found to be procedurally flawed and invalidated simply because the Department informed an applicant informally

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more than once that the application was incomplete. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 54. R18-1-503(C). [Was R18-1-503(E).] Change this subsection as follows:

If a notice of administrative deficiencies states that the Department is suspending the time-frame clocks until the applicant supplies the missing information identified on a comprehensive list of specific deficiencies included with the notice, the administrative completeness review time-frame clock is suspended as of ~~suspends on~~ the day of notification.

Response. No change to the proposed rule. The Department disagrees that a change from active to passive voice increases the conciseness or clarity of this subsection.

Comment 55. R18-1-503(D). [Was R18-1-503(F).] The failure to resume the time-frame when assessing whether the application is complete, is a violation of the statutory intent. A.R.S. §41-1072(1) requires that the administrative review time-frame include such review. Anytime the Department is reviewing an application to determine whether it contains all the required components, the administrative completeness time-frame should be running. Additionally, what “lapse date” is the Department referring to? The 1st notice? The 2nd notice?

Response. The Department disagrees with this analysis. The clock does resume automatically under the rule but the Department has a short time within which to cancel the resumption for the benefit of the applicant so that the applicant can correct the response. For all licenses shown in rule, failure to submit a complete and approvable application must mean denial. The rule allows the Department to assist an applicant to correct a response so that the time does not run out later in the process while the applicant attempts to make corrections at the last minute. This subsection is revised to clarify that it is a subsection (E) notice. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 56. R18-1-503(E). [Was R18-1-503(G).] Same questions concerning lapse dates as expressed in Comment 52.

Response. The Department changed this provision for the reasons given in the response to Comment 19.

Comment 57. R18-1-503(F)(1). [Was R18-1-503(H)(1).] This provision allows ADEQ to request additional information (an apparently unlimited number of times) from an applicant to make an application administratively complete even after the application is deemed by statute to be complete. This is flatly inconsistent with the statute, which provides that application is deemed complete once the time clock expires. Article 7.1 states that “[i]f an agency does not issue a written notice of administrative completeness or deficiencies within the administrative completeness review time-frame, the application is deemed administratively complete.” A.R.S. §41-1074(C). ADEQ presumes under 503(H)(1), that this means they may continue to request administrative materials. This is improper. The statute deems the application administratively complete if ADEQ fails to meet the deadline. The statute provides for a limitation in ADEQ’s ability to request administrative information. Section 503(H)(1) takes away that statutory limitation.

Response. No change to the proposed rule. The Department disagrees with this analysis. There is no such statutory limitation and the creation of such a limitation is sure to be highly disadvantageous to applicants. Shortening review times and limiting the Department’s ability to inform applicants of application infirmities has little impact on the Department but can have very large negative impacts on applicants who did not submit a complete approvable application on day one. Licensing decisions made at a time when an application is incomplete must be one of denial under Arizona law. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above as well as the “introduction to the comments” paragraph immediately preceding Comment 1.

Comment 58. R18-1-503(G)(2). [Was R18-1-503(I)(2).] Change this subsection as follows:

If presumptive administrative completeness occurs:

...

2.The Department does not waive the requirement for the applicant to submit all application components necessary to allow the Department to grant or deny the license, and

...

Response. No change to the proposed rule. Statute prohibits the Department from issuing by default any of the licenses identified on the license tables. This means that the burden remains on the applicant to prove entitlement to a grant of the license. Adding the phrase “or deny” suggests the opposite; that the Department must receive certain information from an applicant before it has the authority to deny. This is not true and will probably serve to increase ambiguity as to what is the proper meaning of this subsection.

Comment 59. R18-1-503(H). [Was R18-1-503(J).] Delete this subsection concerning suspension and resumptions described in other sections because the Department has no authority to operate such suspensions.

Response. The Department has deleted references to all section except for R18-1-518. In general, the Department disagrees with this analysis and explains the specifics of the referenced sections in the responses to other comments made for each specific section.

Comment 60. R18-1-504(A). Change this subsection as follows:

The substantive review time-frame clock for an application begins on 1 of the following days:

1.If the Department notifies the applicant that the application is administratively complete before the expiration of the administrative completeness review time-frame clock, the time-frame begins on the~~1~~ day after notification.

2.If the Department does not notify the applicant that the application is administratively complete before the expiration of the administrative completeness review time-frame clock, the time-frame begins on the~~1~~ day after expiration.

Response. No change to the proposed rule. This change alters the meaning of the stem and adds unnecessary words to the definition.

Comment 61. R18-1-504(C). [Now deleted.] What is the difference between a “request for additional information” and a “comprehensive request for additional information”? These should be defined.

Response. The Department has deleted this Section although the definitions for these 2 terms have been added to today's rule under R18-1-501. There is little difference between the 2 terms. The reference to both in the rule is to insure that all possible “requests” are included, no matter how they may be termed. The Department determined during the informal public workshops on this rulemaking that many of the public believed Article 7.1 restricted the Department from making more than 1 request under any circumstances. This is an important misunderstanding. This interpretation could only be appropriate if the Department issued these licenses by default, something, however, that is prohibited by statute. The Department's intent was that today's rule would clarify that the Article makes no such restriction and that the Department will not impose such a restriction solely as a result of Article 7.1 requirements. Such a restriction can only cause applicants great harm. In addition, subsection (C) [as proposed] would have provided applicants with additional protection from collateral attack by 3rd parties on the validity of an issued license if a 3rd party asserts the Department's issuance of the license was invalid and without legal authority because the Department made more than “one” request for information.

Comment 62. R18-1-504(C). [Was R18-1-504(C)-(E).] This section appears to indicate that the Department feels it has the authority to submit additional requests for information under the substantive review time-frame. The Department appears to be asserting that it can do this so long as it does not stop the time-frames. How does the Department justify this section in light of the clear, unambiguous statutory requirement that states “[d]uring the substantive review time-frame, an agency may make 1 comprehensive written request for additional information.” A.R.S. §41-1075(A). This language is perfectly understandable. Nowhere does it even intimate that there is room for anything more than 1 unilateral request.

Response. No change to the proposed rule except that the Department has deleted subsection (C) [as proposed]. The Department's response is the same as the previous comment. This comment demonstrates how easy it can be to assume that any “additional request for information” is the same as the 1 “comprehensive request for additional information” that is allowed to suspend the time-frames under A.R.S. § 41-1075(A). It was exactly to avoid such confusion that the Department expected to provide both terms in today's rule along with the provision that only 1 comprehensive request for additional information may suspend the time-frames. This, however, the Department has changed in response to this comment.

Comment 63. R18-1-504(D) as proposed. Under A.R.S. §41-1075 “a request for additional information” can only be the result of a mutual agreement. This section of the rule does not state that ADEQ will seek an agreement.

Response. This subsection is deleted because its only purpose was to control the operation of lapse, a provision also deleted from today's rule. As for other points raised by the commenter, the “mutual agreement” cited in the comment applies only if the applicant wishes the time-frames to suspend pending submission of the information. R18-1-504(D) as proposed, however, did not suspend time-frames. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 64. R18-1-504(D) as proposed. Same questions concerning lapse dates as expressed in Comment 52.

Response. The Department has deleted this subsection for the reasons given in the response to Comment 19.

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Comment 65. R18-1-504(c). [Was R18-1-504(E).] Change the 1st sentence of this subsection as follows:

If a comprehensive request for additional information states that the Department is suspending the time-frame clock until the applicant supplies the missing information identified in the comprehensive request for additional information, the substantive review time-frame clock is suspended~~suspends~~ on the day of Department notification.

Response. No change to the proposed rule. The Department disagrees that a change from active to passive voice increases the conciseness or clarity of this subsection.

Comment 66. R18-1-504(D). [Was R18-1-504(F).] This provision provides that the time clock continues to be suspended if an applicant does not provide all the information requested by ADEQ. In very complex application procedures (such as some APPs), ADEQ often makes extensive and unjustified information requests. This provision allows ADEQ to essentially extend the time clock for as long as it desires by simply requesting voluminous and unjustified information. As a policy matter, there ought to be some sort of interim appeal process in this sort of situation. Additionally, this section does not allow for an agreement between the Department and the applicant that certain information requested in the comprehensive request need not be submitted. This section ties the regulator's hands.

Response. No change in the proposed rule. The Department's response is the same as Comment 7.

Comment 67. R18-1-504(D). [Was R18-1-504(F).] Same questions concerning lapse dates as expressed in Comment 52.

Response. The Department has deleted lapse provisions from today's rule for the reasons given in the response to Comment 19.

Comment 68. R18-1-504(E). [Was R18-1-504(G).] Delete this subsection concerning suspension and resumptions described in other sections because the Department has no authority to operate such suspensions.

Response. Except for R18-1-518, references to all other sections have been deleted. In general, however, the Department disagrees with this analysis and explains the specifics of the referenced sections in the responses to other comments made for each specific section.

Comment 69. R18-1-505(B). Change this subsection as follows:

The overall time-frame clock is stopped and started~~is suspended and resumes~~ in concert with the administrative completeness, substantive review, and extension time-frame clocks.

Response. No change to the proposed rule. The suggested change increases ambiguity and decreases clarity. "Start" in this rule is reserved to mean only the initial start of a time-frame under R18-1-503(A); "end" is reserved to mean only the final end of a time-frame under R18-1-507(A). In addition, the Department disagrees that a change from active to passive voice increases the conciseness or clarity of this subsection.

Comment 70. R18-1-505(C)(2)(b). Change this subsection as follows:

The actual number of days for the substantive review time-frame if the Department notifies the applicant of a licensing decision under R18-1-504(B)(1) before the expiration of the substantive review time-frame, or

Response. No change to the proposed rule. The Department believes the addition of these words unnecessary with the context of the entire subsection. Inclusion of unnecessary words may lead to ambiguity as it suggests a narrower range of actions than identified by the original language.

Comment 71. R18-1-505(C)(2)(c). This provision states that the duration of the overall time-frame clock will include the actual number of days for the substantive review time-frame if the applicant causes the time-frame clock to end by allowing the application to lapse or withdrawing the application (or entering into a changed licensing time-frame agreement). Why is this provision necessary? If the application lapses or is withdrawn, why is there a need to determine the overall time-frame? Is this provision intended to determine if a penalty/refund is due in a situation where ADEQ fails to act in a timely fashion on an application even though the applicant later withdraws or allows that application to lapse?

Response. No change to the proposed rule. The purpose of this section is to allow everyone to determine with clarity exactly when the time-frames end on an application. As such, the section is necessary. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 72. R18-1-506(A). Change "1" to "on the."

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Response. No change to the proposed rule. The proposed language follows a structure parallel to that used throughout the rule. The suggested language changes this without increasing clarity or conciseness.

Comment 73. R18-1-506(C). This section implies that an extension of the time-frames establishes another chance for the Department to request information. All information requested by the Department during the substantive review time-frame should be done in strict accordance with A.R.S. § 41-1075. This section cannot create a right to a 2nd “comprehensive written request.”

Response. No change to the proposed rule except that the Department has deleted “and 1 or more requests for additional information.” This subsection does not create additional rights or chances but does clarify that if a comprehensive request suspending the time-frames was not made prior to the beginning of the time-frame extension, the applicant does not lose the right to be afforded 1 if necessary. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 74. R18-1-506(E). Delete this subsection concerning suspension and resumptions described in other sections because the Department has no authority to operate such suspensions.

Response. Except for R18-1-518, references to all other sections have been deleted. In general, however, the Department disagrees with this analysis and explains the specifics of the referenced sections in the responses to other comments made for each specific section.

Comment 75. R18-1-507(A)(2). This section cannot grant the Department the authority to issue conditional grants of licenses. Such action must be provided for in the individual licensing statute for that license. If it is not provided for in the licensing statute, the time-frame rules cannot create it.

Response. No change to the proposed rule. The Department agrees. This rule does not confer any authority to grant or deny any license conditional or otherwise. Such authority, if it exists, does so under other statutes and rules. Today's rule only operates to clarify the impact on the operation of the time-frames should such authority be exercised. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 76. R18-1-507(B). This section should also include a citation to the authority of the Department to issue a conditional license.

Response. No change to the proposed rule. The citations are referenced indirectly in the license tables which identify licenses with their statutory citations. These citations can then be used to trace matters other than just required application components. Most conditional approvals occur in certain of the Model E and F application review types as described under § 6(H) above.

Comment 77. R18-1-507(B). Change this subsection as follows:

The Department ~~shall include the following information in a notice-notification~~ of a conditional grant of a license under subsection (A) of this Section shall include both the following:

...

Response. No change to the proposed rule. “Department notification” is a defined term. The suggested change would not clearly incorporate the defined term. In addition, the Department believes the added words do not increase the clarity or conciseness of the proposed rule.

Comment 78. R18-1-507(C). The stem of this section is very confusing. It would be more readable if it was set out in a list fashion. This section is also unreasonably broad. This section makes no provision for any potential change in the information needed by the Department during the administrative completeness review. If it is mutually determined by ADEQ and the applicant that the information requested by the Department does not exist or is not necessary, the fact that the request is “incomplete” should not put the application in risk of being denied under this section. Lastly, the section mistakenly presumes that the accuracy of an application is something judged during the administrative completeness review time-frame. The administrative completeness review time-frame is when the Department determines that the application “contains all components required by statute or rule.” The administrative completeness review is not a chance to judge the accuracy of that information.

Response. This subsection is revised. The Department's response is the same as Comment 75. Also note that some license categories contain no substantive review time-frames and that this is anticipated by Article 7.1. How and when application components are judged is governed by program statutes and rules, not today's rule.

Comment 79. R18-1-507(E). Change this subsection to delete the word “so.”

Response. The Department has made this change and added additional words to retain the meaning of exactly what is to be notified.

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Comment 80. R18-1-507(F). Why is this provision necessary (“the ending of time-frame clocks under this Section also shall end all time-frames”)?

Response. This subsection is deleted for the reasons stated in Comment 3.

Comment 81. R18-1-508(B)(2). Why must an applicant always waive its rights to the time-frames established in the tables accompanying this rule when it enters into a pre-application agreement? Might not the agreement affect (extend) only 1 segment of the time-frame (for example, substantive review) and not the other (for example, administrative review)? Might not the pre-application agreement address things other than extending or shrinking time-frames (for example, specifying application components and permitting strategy)? This subsection ought to be preceded by language such as “if appropriate.”

Response. No change to the proposed rule. All agreements are by mutual agreement and for the benefit of applicants. If an agreement only changes 1 of the time-frames, it can so state by repeating that the other time-frame remains unchanged. These agreements only govern matters properly under the purview of Article 7.1. Other pre-application matters outside that scope must be handled in other pre-application agreements made under other authority than Article 7.1. As for the waiver, any rights that may exist under Article 7.1 exist within a bundle of both rights and duties. It is the adjustment of the entire bundle of rights and duties that the agreement addresses. The requirement for a specific waiver makes clear that the determination of that bundle is made within the 4 corners of the agreement. This clarity is essential to ensure that the Department and applicants are able to make accurate prospective determinations of how sanctions and reporting requirements under Article 7.1 are to be calculated. One informal comment made to the Department was that an applicant has no “rights” under Article 7.1; that there are only duties placed upon the Department. If this view is true, then a waiver is meaningless and no harm is done. Comments received in the public workshops, however, show that a significant segment of the public does believe that Article 7.1 does grant applicants a number of important and valuable rights including the right to a refund. The Department's response is to clarify in today's rule only 1 element of this overall debate. That element pertains only to the identification of days on the tables. Today's rule requires pre-application agreements to identify applicable time-frames in lieu of those shown on the tables. These times can, of course, be the same as shown, if both parties agree to those times.

Comment 82. R18-1-508(B)(5). What is the statutory basis for requiring a fee adjustment as part of a time-frame agreement? Fees are authorized by other specific statutes or rules, not by the statutes authorizing this rule. Furthermore, what criteria is ADEQ contemplating using to make this determination, assuming it is appropriate to adjust fees a part of a time-frame agreement?

Response. No change to the proposed rule. Today's rule applies to all categories shown on the license tables. These tables span all licensing programs administered by the Department. Some applications in some programs incur hourly review fees; some do not. Today's rule merely clarifies that the agreement may determine how such time will be adjusted if authority exists under the specific program and if the Department and the applicant agree. Today's rule does not create such authority; it only responds to such authority if it exists.

Comment 83. R18-1-508(B)(3). Change this subsection as follows:

Identification of application components required in support of the application. See R18-1-513.

Response. No change to the proposed rule. “Application component” is already a defined term. Inclusion of this additional language here might be construed as suggesting a meaning at variance with the term as defined at R18-1-501(7). Also, inclusion of a reference to R18-1-513 (“licensing time-frame opt-in agreements”) is probably not helpful.

Comment 84. R18-1-508(C). Why does the pre-application agreement have to be longer than the original time-frames? It would seem that this element should be negotiated. Having it expressly stated in the rule makes it difficult to change for both the Department and the regulated community. There is no reason for such rigidity.

Response. No change to the proposed rule. The point of a pre-application agreement is to provide a means for the Department to expend resources or delay review of certain portions of an application in excess of what would otherwise be required. Today's rule does not require that time-frames be longer; only that time-frames cannot be shorter. The Department believes that agreeing to shorter time-frames on a case-by-case basis while at the same time agreeing to expend additional application review resources for the benefit of the applicant can only tend to shift review resources away from other applicants in the same program. If the desire of the commenter is to reduce time-frames, the Department believes the fairest method is to reduce time-frames for all applicants by revising the rule as resources and experience permits. Again, the point of a pre-application agreement is only to allow an applicant to avoid a summary denial because not all required application components are submitted at 1 time. The Department believes that segmenting the review of components is sure to require more, not less, coordination by the Department. On the other

hand, the Department believes that there are important public policy reasons to do exactly that for the benefit of applicants in certain programs. It was only for this reason that today's rule contains this section.

Comment 85. R18-1-508(C)(3). The 2nd sentence is confusing. It is unclear who has the 15-day review period. Additionally, the last sentence is troubling.

Response. No change to the proposed rule. The 15-day provision and the last sentence follow the provisions of R18-1-504(E). As in R18-1-504(E), review is conducted by the Department. The last sentence is deleted for the reasons given in Comment 19.

Comment 86. R18-1-508(D)(2) and (3). These sections contain some vague language that makes the rule difficult to understand. Section 508(D)(2) addresses expending resources to the "significant detriment" of other applicants. It is unclear as to what this means. 508(D)(3) uses the term "significant increase or change" regarding potential effects. It is unclear whether this means detrimental effects or beneficial effects, or both.

Response. The Department has added the qualifier "detrimental" to the text although the Department believes the word to be essentially meaningless in context in that what may be considered detrimental in 1 context can usually be found to be beneficial in another. In response to the remainder of the comment, the Department believes that focusing limited resources of a program to benefit just 1 applicant may, in certain cases, be highly disadvantageous to fellow applicants if this means delays for them. This means that benefits and detriments can be 2 results of the same actions. The Department has a duty to prevent unfair apportionment of resources between applicants. Here, "significant" has its plain meaning of "having or likely to have an effect" as defined in *Webster's Third New International Dictionary*. "Likely," of course, means "more probably than not" or at least 51%.

Comment 87. R18-1-508(D)(3). Simplify or break up the 2nd sentence into several sentences.

Response. No change to the proposed rule. This sentence reads: "The Department shall not enter into an agreement if the Department determines that the terms of the agreement are likely to cause a significant increase or change in the nature of the potential effects of the facility or activity to be governed by the license on public health and safety or the environment."

The Department has examined several alternatives to this sentence. In each, the meaning and intent of the provision appears to be less understandable. This is probably because the sentence contains 2 phrases that represent current usage. Breaking up these phrases will probably make the resulting requirements more difficult to understand, especially as they relate to each other. These 2 phrases are:

"[A] significant increase or change in the nature of the potential effects of the"

"[O]n public health and safety or the environment."

Comment 88. R18-1-509(A). Why is "[a] request for additional time alone [] not a valid justification for a supplemental request agreement"?

Response. No change to the proposed rule. The reason is because A.R.S. § 41-1075(A) so limits. That statute requires that such an agreement can only be used in order to obtain "additional information." In context, such information can only represent components required by statute or rule and necessary in order to grant the license. During the informal public workshops on this rulemaking, numerous participants suggested using supplemental request agreements as the way applicants can extend time-frames to accommodate public hearings or other matters concerning only time. Unfortunately, public hearings are provided by the Department and not "submitted" by applicants. This sentence was inserted in this subsection to clarify 1 important statutory limitation imposed upon the use of this type of agreement. The flexibility concerning time expressed by stakeholders had been accommodated within the several provisions concerning suspensions identified throughout the proposed rule. As explained elsewhere, most of these provisions, however, are removed in today's rule in response to objections by GRRC.

Comment 89. R18-1-509(B)(3). Change "suspend and resume" to "be suspended and resumed."

Response. No change to the proposed rule. The Department does not believe a change from active to passive voice increases the clarity or conciseness of the rule.

Comment 90. R18-1-512(A). Why have a section providing for the reactivation of licensing time-frames on a lapsed application? Wouldn't the application simply submit a new application?

Response. This section is deleted for the reasons given in the response to Comment 19.

Comment 91. R18-1-512(C)(3). Change the 2nd sentence of this subsection as follows:

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The Department shall not enter into an agreement if the Department determines that the terms of the agreement are likely to cause a significant increase or change in the nature of the potential effects of the facility or activity, ~~to be~~ governed by the license, on public health and safety or the environment.

Response. This section is deleted for the reasons given in the response to Comment 19.

Comment 92. R18-1-513(B)(2). Change this subsection to add a reference to R18-1-508.

Response. No change to the proposed rule. The Department does not see how a bare reference to R18-1-508 (“licensing time-frame pre-application agreements”) increases the clarity or conciseness of this subsection.

Comment 93. R18-1-513(B)(5). This provision states that a fee adjustment may be appropriate if an applicant opts into licensing time-frame rules. In the case of the APP program, many applicants have had permits pending before ADEQ for years, and have paid the maximum amount of fees currently allowed to be collected by statute or rule. Does ADEQ intend to use this provision to extract more fees from these applicants if they choose to opt into the time-frames program? If so, this provision is very troubling.

Response. No change to the proposed rule. Pending applications are not governed by today's rule nor are fees. Fees are governed by other statutes and rules. See response to Comment 82 for further discussion on this point.

Comment 94. R18-1-513(D)(3). Change this subsection in a manner similar to that expressed in Comment 91.

Response. This Section is deleted for the reasons given in the response to Comment 19.

Comment 95. R18-1-514. Is it appropriate to include in these rules provisions stating that permits will not be issued if fees have not been paid? Is this issue not already (or more appropriately) addressed in the substantive statutes or rules governing particular permit programs and/or setting forth the fees for those programs?

Response. This section is deleted in its entirety due to objections by GRRC that all suspensions not expressly identified within Article 7.1 be deleted. This means that the Department must change its current operation under other rules concerning how it assesses and collects application review fees imposed for water quality licenses under 18 A.A.C. 14. The office of the attorney general has assured the Department that Article 7.1 will invalidate certain operations under R18-14-105(C) and R18-14-105(E). Those rules require an applicant to settle an application review bill before the Department will issue a grant of a number of water quality licenses that will now be subject to today's rule. The Department has not yet decided on how it must proceed on this matter but it does now appear that the Department will probably be required to grant these licenses prior to final billing. Unpaid bills must then be handled in a collection, enforcement, or permit revocation action; all expensive activities. Program experience has been that, but for the withholding of permits until bill settlement, many applicants have failed to pay their fees. The present system has proved to be a fair and efficient method to handle this problem. Although the Department does expect a significant rise in unpaid fees (and increased collection costs) as a result of today's rule, the Department is unsure as to what the overall magnitude of this will be. The Department will watch this situation closely and, if necessary, may initiate rule-making for 18 A.A.C. 15 to revise the billing process.

Comment 96. R18-1-514(B). Same questions concerning lapse dates as expressed in Comment 52. In addition, suspension of time-frames pending payment of fees or receipt of applicant's signature is an option under the statute. These could be classified as application components [and, therefore, subject only to formal deficiency notices under R18-1-503 and R18-1-504].

Response. This section is deleted in its entirety.

Comment 97. R18-1-515. Provision for a suspension of time-frames due to a changed application is not an option under the statute. Use the standard provisions for requests for additional information under R18-1-504 instead.

Response. This section is deleted in its entirety. See response to Comment 95.

Comment 98. R18-1-515(B). This section states that the Department “may” notify the applicant. This section should require that the Department notify the applicant. Additionally, there should be a requirement that the written notice contain a detailed explanation of the reasons for the Department's decision to call the application “changed.”

Response. This section is deleted in its entirety.

Comment 99. R18-1-515(B)(3). Same questions concerning lapse dates as expressed in Comment 88.

Response. No change to the proposed rule for the reasons given in the response to Comment 52.

Comment 100. R18-1-516(B). [Was R18-1-516(A).] Change the 1st sentence of this subsection as follows:

If a public hearing or public meeting is requested for an application for a license that requires the Department to hold a public hearing or public meeting on a proposed licensing decision if requested, the Department shall reassign the

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application from a license category not providing for a public hearing or public meeting to the companion category that does provide such a forum ~~so providing~~.

Response. No change to the proposed rule. The Department does not believe that the suggested change increases the clarity or conciseness of the proposed rule.

Comment 101. R18-1-516(A). [Was R18-1-516(B).] There should be a requirement that the Department set forth in writing the reasons for the decision to reassign the application to a different category.

Response. This subsection is revised to make this change.

Comment 102. R18-1-516(B) as proposed. Change the 1st 2 sentences of this subsection as follows:

The Department may reassign an application to a different category if an evaluation of the application components indicates that a category change is necessary, in the category in which the application is classified including a change from a standard to a companion complex category if such categories are shown on the license tables for that license type. The Department shall notify the applicant of the change in the license category, at which time the reassignment shall take effect. The Department notice shall contain the Department's reason for making the reassignment to a different license category.

Response. No change to the proposed rule. The Department does not believe the addition of the 2 commas is appropriate. See the response to Comment 74 for more on this point. The other suggested language probably decreases the clarity of the provision.

Comment 103. R18-1-516(C) as proposed. Change this subsection as follows:

Reassignment to a new license category under this Section means only that the time-frame clocks for the application expire after ~~on~~ the days shown for the new license category rather than the previous category.

Response. No change to the proposed rule. The suggested language changes the meaning of the provision.

Comment 104. R18-1-517(E) as proposed. Change this subsection as follows:

If the request is received by the Department before a lapse date, an applicant may request an extension of that lapse date. A lapse extension request shall include all of the following information:

1. Name, address, and telephone number ~~Identification~~ of the applicant.
2. Application number ~~Identification of the application~~.
3. Type ~~Identification~~ and date of the Department notification or request giving rise to the lapse date.
4. The reason why the applicant is not able to act by ~~comply with~~ the lapse date.
5. New ~~Identification of a new~~ lapse date requested by the applicant.

...

Response. This subsection is deleted.

Comment 105. R18-1-517(F)(2) as proposed. Change this subsection in a manner similar to Comment 91.

Response. This subsection is deleted.

Comment 106. R18-1-517(F)(3) as proposed. In regards to the requirement that "[t]he applicant make[] a showing that it is acting in good faith to comply with this Article," what does a "showing" entail?

Response. This subsection is deleted.

Comment 107. R18-1-517(H) as proposed. This section fails to take into account the necessary communication between ADEQ and the applicant regarding the acceptance of the submitted information. If the applicant feels it has responded properly to the request, it may never know that ADEQ considers the response incomplete. Giving notice is particularly vital for smaller and less sophisticated applicants who may not be intimately familiar with the intricacies of the time-frames rule.

Response. This subsection is deleted.

Comment 108. R18-1-518. Is there any case law that supports the Department's authority to suspend upon the occurrence of emergencies? If it exists, it is probably severely limited to acts of God and the like.

Response. The rule is modified to delete as a justification the lack of Department resources due to events not reasonably within the control of the Department and to limit the applicability of this section only to those applications that might be subject to refunds. The matters identified in the remainder of the rule are ones that occur outside the reach of the suspensions available under R18-1-503 and R18-1-504. A.R.S. § 41-1073(C) requires the Department to take Department "resources," the impact "on public health and safety," and other factors into account when setting time-

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frames in rule. What happens when the Department is subjected to automatic refund of application fees resulting from circumstances beyond its control falls within these factors. Alternatives to having this provision are (1) to extend the time-frames on the license tables to accommodate the possibility of such emergencies, (2) provide separate companion categories with longer time-frames for applications that find themselves subject to such emergencies, or (3) require a summary denial for all applications that find themselves subject to an emergency that precludes the Department from making a decision to grant within the allotted time. In any case, the Department is prohibited from issuing these licenses by default.

The provision of the suspensions in this Rule for the matters listed is legal. If the Department can create companion categories to distinguish between applications that require or do not require a public hearing, it can also create companion categories that distinguish between applications that require further additional time due to an emergency that prevents the Department from acting in timely manner. Note that other statutes provide that the legal requirement to hold a public hearing is one that cannot be known until well into the substantive review time-frame. This Section, in effect, sets up the legal equivalent of companion categories for all applications that find themselves subject to such emergencies. The suspension time that would occur is narrowly tailored to respond exactly to the emergency giving rise to the suspension. The difference between requiring the same result by way of a separate section or a separate (companion) category on a license table is one only of form, not legal basis. The Department believes that the form chosen here (using a section rather than companion categories) increases the clarity and conciseness of the rule.

The Department agrees that the legal basis is quite narrow. It must occur only for matters that are true emergencies outside the control of the Department and not for matters that result due to the Department failing prospectively to identify and avert the emergency in the 1st place. In other words, only a true emergency will qualify, not mere convenience.

Comment 109. R18-1-518(A). Change “[e]mergencies and upset conditions” to “other emergencies.”:

Response. No change to the proposed rule. “Emergencies and upset conditions” is a term often used by applicants when dealing with the Department. The Department believes that the entire term should be used in today’s rule.

Comment 110. R18-1-518(C). This section is without statutory authority. There is nothing in Article 7.1 that provides for this emergency waiver provision. Should the Department feel such an element is necessary, it should seek to amend the legislation to provide for such emergency authority. If the moratorium is nevertheless deemed acceptable, it should be limited to the shortest time practicable, or the duration of the situation causing the emergency or upset condition to be declared. In addition, the declaration ought to be in writing and made public in some fashion (perhaps via publication in the Register).

Response. The rule is modified as described in Comment 108. This provision is limited to categories that incur fees and, as such, responds to other statutes that require the Department to maintain viable licensing programs for the benefit of prospective applicants. The Department agrees that the declaration should be made public but publication in the *Arizona Administrative Register* is always at least 3 weeks after submittal and, therefore, may not have much meaning. Newspaper publication also seems unlikely to have real meaning. The Department expects to explore this matter in more detail and develop a notification strategy for pending applications. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 111. R18-1-520. This section anticipates that the applicant has no appealable rights until this formal document is submitted. This is beyond the statutory authority granted to the Department. ADEQ cannot by rule eliminate the rights of a party under the Arizona Administrative Procedures Act to appeal what they feel is an appealable agency action.

Response. No change to the proposed rule. The Department disagrees with this analysis. Today’s rule has no power to diminish any appeal rights a person may have under Arizona law. This rule does clarify the impact on time-frames should a person avail themselves of the procedures available under R18-1-205. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 112. R18-1-520(A)(2). This section anticipates informational requests that are beyond the statutory authority of the Department to request. The applicant should not be forced to submit a notice of intent to rely upon an application because ADEQ sees fit to expand by agency fiat, the authority to request additional information.

Response. No change to the proposed rule except that the Department has deleted “a request for additional information.” The Department’s response is the same as Comments 7, 49, 62, and 111 and the “introduction to comments” immediately preceding Comment 1. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 113. Proposed R18-1-520(B). In regards to an applicant submitting a notice of intent to rely on the application components as submitted, why should the Department suspend the clock? If the applicant takes the risk of submitting a notice, is it not then up to the Department to move forward?

Response. The suspension is deleted.

Comment 114. Proposed R18-1-520(B) and 520(B)(1). As written, this provision allows ADEQ to suspend the clock while requesting additional information, back down once the applicant refuses to provide that information, then restart the clock. This gives ADEQ ample opportunity to suspend the clock at its leisure by simply requesting irrelevant or burdensome information from the applicant and waiting for the applicant to refuse to respond. Additionally, it is unclear why the time clocks are suspended after a notice of intent to rely is filed. The applicant has informed the Department that it wants to proceed with the application. The time clocks should be going.

Response. The suspension is deleted. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above and the “introduction to comments” immediately preceding Comment 1.

Comment 115. R18-1-520(B). [Was R18-1-520(C).] Delete this subsection and build the necessary time to perform these tasks into the times shown on the tables.

Response. No change to the proposed rule. This provision is already occurring within the time-frames as it is written. The lapse provision, however, is deleted.

Comment 116. R18-1-520(C). [Was R18-1-520(D).] Delete this subsection for the same reason given in Comment 115.

Response. The rule is modified for the reasons given in the response to Comment 114.

Comment 117. R18-1-521(B). Change this subsection in a manner similar to that suggested in Comments 47 and 104.

Response. No change to the proposed rule for the reasons given in the responses to Comment 47 and that the proposed language is more precise than the suggested language.

Comment 118. R18-1-521(C). Delete this subsection for the same reason as given in Comment 115.

Response. This subsection is modified to delete the lapse provision.

Comment 119. Proposed R18-1-521(D). Same questions concerning lapse dates as expressed in Comment 52.

Response. The subsection is deleted.

Comment 120. R18-1-521(D). [Was R18-1-521(E).] There are no time-frames to “reset.”

Response. No change to the proposed rule. The Department disagrees with this comment because the time-frames may be suspended at the time under other rule provisions such as R18-1-504((D).

Comment 121. R18-1-522(A). The cross-reference should be to 503(A)(3), not 503(A)(2).

Response. The citation is corrected.

Comment 122. R18-1-522(B). Change this subsection in a manner similar to that suggested in Comments 47 and 104.

Response. No change to the proposed rule for the reasons given in the response to Comment 47 and because the proposed language is more precise than the suggested language.

Comment 123. R18-1-523. It is unclear why this section is necessary. The statute sets forth the details of the refund and sanctions associated with missed deadlines. There is no reason for the Department to interpret this statutory section. This section should be eliminated. In the alternative, sections (C) and (D) only should be incorporated into the final rule.

Response. No change to the proposed rule. Article 7.1 is silent on several important matters in the application of the refund and penalty provisions when considered in context of the requirements of other statutes. Other parts of this section are included to clarify statutory requirements for the benefit of applicants, a common purpose of rule making. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 124. R18-1-523(B)(2). This section is confusing. The sanctions provided for in statute are not limited to “prospective licensee[s]” only. This section should be removed.

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Response. No change to the proposed rule. The determination of the prospective licensee is one required by other statutes, especially those that require state employees not to disburse state funds to persons not entitled to receive them. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) and comment 41 above.

Comment 125. Reporting. A.R.S. §41-1078 does not preclude ADEQ from reporting compliance for those time-frames not listed in the proposed rule tables. ADEQ should report on all licenses issued, even those the Department considers exempt from the rule.

Response. No change to the proposed rule. The Department estimated that there may be in excess of 2500 categories if all activity not presently covered by Article 7.1 were included. It is not fiscally prudent or possible for the Department to expend resources on an effort that is not required by law in order to establish time-frames for the additional 2000-plus categories in such a way so as to give context to tracking. See additional discussion on these points at §§ 6(E)(3) and 6(G)(2) above.

Comment 126. R18-1-525. Change this Section as follows:

The following tables contain all administrative completeness review ~~time-frames~~ ~~time-frame clock~~ days, the substantive review ~~time-frames~~ ~~time-frame clock~~ days, and the references to application components for each license application category subject to this Article ~~are as shown on the license tables.~~

Response. “Time-frame clocks” is changed to “time-frames” as discussed in Comment 5. The other changes are inappropriate because the license tables are attached to the entire article and not just this Section.

Comment 127. Table 5, Groups I and II. These are for approval-to-construct (ATC) and approval-of-construction (AOC) for wells and treatment facilities. In particular for wells, a total administrative and substantive review of 43 business days (2 months as proposed) for the ATC and an additional 43 business days (2 months) for the AOC. A treatment facility requires 73 business days (3.5 months) for the ATC and 73 business days (3.5 months) for the AOC. In addition, treatment facilities are also covered under Table 7, group III, for treatment facilities causing up to an additional 208 business days (10 months). This long length of time will hinder the ability of the public water systems to provide water to customers.

Response. This categories are modified as shown in § 10 above. Generally, the administrative completeness review times frames are shortened.

Comment 128. Table 5, Group III [was Group V]. This covers approval of new drinking water sources. The administrative and substantive review requires a total of 43 business days (2 months) for a normal new source and 73 business days (3.5 months) for a complex drinking water new source approval. This length of time may hinder delivery of water to customers and there is also the concern that all new sources will be thrown into the “complex” category by ADEQ. The ADEQ needs to define “complex” and “normal.” Does the number of wells for a new source constitute what these are?

Response. This categories are modified as shown in § 10 above. Generally, the administrative completeness review times frames are shortened. “Complex” is defined in rule at R18-1-501(9). As explained at § 6(H)(5) above, the Department expects no more than 5-10% of applications received in this category to qualify as “complex.” Under today's rule, the determination of “complex” must be based on the impact of the application on the Department's application review resources rather than specific attributes of the application such as the number of wells for a new source.

Comment 129. Tables 6, 6-E, 6-N, and 6-S, (categories 5-6). These categories for individual on-site wastewater facilities construction approvals-to-construct should be reduced to 10 business days for the administrative completeness review time-frame (ACRTF) and 20 business days for the substantive review time-frame (SRTF).

Response: The Department has reduced the times shown in the proposed rule for these categories to 21 days (down from 32) for the ACRTF and 21 days for the SRTF. Department experience with the flow of applications in these categories shows that high peaks in application submissions can occur from time to time. This means that periods will occur when 10 days will not be sufficient to process all applications received using the very small staff available to do this work. Most times, however, the Department does expect to process applications in the ACRTF well within the 10 days. Still, the Department must set the higher number in this rulemaking to accommodate those expected peak times when such time will be needed especially because these applications are subject to sanctions.

Comment 130. Table 8, Group I (category 10). Monitoring waivers will require a total administrative and substantive review of 126 business days (6 months). This length of time is too long especially if it is for only 1 or 2 water source points-of-entry (POE). Perhaps something such as a time-frame based on the number of POEs is needed. An example is presented below.

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Number of POEs	Number of Days
1-10	42 business days (2 months)
10-30	63 business days (3 months)
30 plus	105 business days (5 months)

Response. No change to the proposed rule. The Department expects that almost all waivers will be Department-initiated. For example, the Department is currently processing over 300 Department-initiated waivers. In accordance with R18-1-502(A)(1) and R18-1-502(A)(3), Department-initiated waivers are not subject to licensing time-frames because there are no applicants or required submittals to be processed. The waiver category in today's rule will apply only to those few waiver applications that the Department may receive from time to time outside of the quarterly Department-initiated review cycle. The Department expects such applications to be handled quickly (less than 2 months for substantive review) unless received during a period when the Department is also processing a large number of Department-initiated waivers at which time, the Department believes that it must have the time available as shown in the rule. Preapplication coordination by a prospective applicant, however, could significantly speed up review during this period and allow the Department to plan how it will process a specific monitoring waiver application as expeditiously as possible when it is also processing a large volume of Department-initiated waivers at the same time.

Comment 131. Table 8, Group III. These govern blending and monitoring plans. The total administrative and substantive review is 146 business days (7 months). This is too long for the time needed for review of these applications. Time-frames should be based on something such as the complexity or number of wells or water source points-of-entry (POE).

Response. This table is revised and expanded to reflect a review time difference based on POEs with the substantive review time-frames reduced to 42 and 84 business days based on POEs.

Comment 132. Tables 5 and 8. Although it is understood that some of these time periods are a worst case scenario and that the lack of necessary ADEQ staff may have resulted in these time-frame lengths. However, the needs of public water systems also need to be addressed and it should also be stated within the rules that these are the worst case scenarios.

Response. These tables are modified as described above. The Department believes, however, that an explanation that the times in the rule "represent a worst case scenario" belongs properly in the preamble and not in the rule text in accordance with the administrative procedure act. This is because the statement is explanatory rather than regulatory in nature.

Comment 133. Table 10, Non-major APP modifications. With respect to APP time-frames, ADEQ has often assigned the same presumptive time-frames to major modifications and other (non-major) modifications. See, e.g., Table 10, Group V, licenses 63-68 (mining permits). This is not reasonable.

A.R.S. § 49-201(19) includes within the category of major modifications activities that significantly increase the volume of pollutants discharged or adversely alter the characteristics of pollutants discharged, or additions of new processes or equipment that result in a discharge. By definition, other permit modifications are those that do not result in any of the above circumstances (for example, a change in a monitoring program, installation of a new monitoring well, contingency plan changes). As a general rule, these modifications should not prove nearly as difficult or time-consuming to process as major modifications, and therefore should be subject to shorter time-frames. Leaving the time-frames at their current overly long levels could result non-major modifications being simply ignored until the lengthy deadlines were about to expire, rather than being processed in a timely fashion.

A more reasonable time-frame would be 6 months (125 business days) to complete both administrative and technical review for non-major APP applications (for example, 21 days for administrative review, 105 days for substantive review). Many non-major modifications can be completed in a much shorter time, but a 6 month period would allow for the relatively rare case where a longer time is needed to handle a non-major APP modification.

Response. No change to the proposed rule. Today's rule already requires the Department to enforce a substantive review period not to exceed about 3 months to issue a proposed licensing decision. The times for all these categories are shown as the same on the tables in today's rule because the existing program rules that govern application review also show the same times. As explained in the preamble for these categories, the program rules allow 90 calendar days to issue a proposed licensing decision after an application is administratively complete whether the application was for a major or "other" (non-major) category. The remainder of the time is fixed to allow the minimum time necessary to publish the proposed decision and subject it to public comment. If the time after the proposed decision is issued is reduced in today's rule, it would be impossible for the Department to ever gain the authority necessary to make a final licensing decision prior to the expiration of the time-frames. This leaves only the 90-calendar day period

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that can be reduced. Here, the Department agrees that certain applications will not take very long but some might. Here, the Department is unable to ascertain some simple criteria that could identify and support the splitting of the "other modification" categories into subcategories with some allowing for expedited review of, say, only 1 month rather than 3 to issue a proposed decision. In any case, the Department disagrees that today's rule will allow the Department to delay until almost the expiration of the time-frames before acting to issue a proposed decision. Department failure to issue proposed decisions within about 3 months (of time-frame running time) must mean that the Department will now have insufficient time in which to complete the public process prior to time-frame expiration. The reality is that an applicant will know the contents of a proposed permit within about 3 months after administrative completeness at the latest. This is already significantly less than the 5 months suggested as reasonable in the comment.

Comment 134. Table 18. Pursuant to A.R.S. § 41-1073(B), if a statutory time-frame already exists, the agency may not exceed the overall statutory time-frame in rule. A.R.S. § 49-1091 [of the underground storage tank (UST) statutes] dictates overall time-frames and a dispute resolution process which are contrary to the time-frames and procedures established by the proposed rule. In all cases, the time-frames established in Tables 18 [UST] and 20 [voluntary program remediation] should be consistent with time-frames established in A.R.S. § 49-1091. Therefore, the overall time-frame should not exceed 120 calendar days.

Response: Categories 7-9 and 14-17 of the proposed rule are deleted from today's rule. The Department agrees with this comment in part and disagrees in part. The Department interprets this comment primarily to mean that the length of times should be reduced to no more than 120 calendar days (approximately 4 months) on Table 18 (UST), categories 7-10 and 16-17, governing corrective action plan and state assurance fund (SAF) reimbursement approvals. These times were shown in the October 23, 1998, proposed rule as varying between 188 and 314 business days (approximately 6 to 15 months).

The Department agrees that initial overall time-frames set in rule may not exceed application review times established in statute. The Department disagrees that A.R.S. § 49-1091 prescribes application review deadlines such that they control the LTF review times for these categories. Here, A.R.S. § 49-1091 prescribes an appeal process available to the public of certain UST or other corrective action written interim decisions. The proposed rule left these appeal rights intact and fully operational because the LTF statute does not govern these rights. Today's rule does not address "interim decisions" but, rather, final decisions and the process by which the Department calculates and counts certain days during an application review process in order to prepare a compliance report to the governor's regulatory review council (GRRC) at the end of each fiscal year. A.R.S. § 49-1091 imposes requirements to issue an interim written decision prior to the time at which the Department makes a final decision on an application. This allows applicants to engage in an informal appeal process prior to the Department making a final decision. The opportunity to engage in the informal process is governed by A.R.S. § 49-1091 whereas the final decision is governed by Article 7.1. The running of the time-frames will probably continue to run during the pendency of an informal appeal because Article 7.1 does not provide for a suspension on this basis. As proposed, the Department had not extended the time-frame periods for these categories to account for the possibility of an informal appeal and might, therefore, be required to allow the time-frames to expire pending resolution of the informal process. The Department received strong comment in response to the times shown for these categories in the September 22, 1997, draft rule. In response, the Department shortened several of those times in the October 23, 1998, proposed rule. As proposed, the Department believed it best to proceed with these shortened times (without including time for possible informal appeals) in order to allow both the Department and applicants to gain experience with the LTF and informal appeal processes, both of which are new to all. The Department then expected to continue to consult with stakeholders after general rule implementation for possible adjustments in these categories in the next annual housekeeping amendatory LTF rule making.

The Department, however, is deleting these categories from today's rule so that the remainder of the rule may go forward at this time rather than to delay the entire rule while resolving this issue. The Department has made several attempts to obtain clarification from the commenters on the points raised but this effort has not been successful. The Department believes that further discussion with the commenters and other stakeholders is required to resolve the issues and objections raised.

Comment 135: Tables 18 and 20. Table 18, group III, 7-10, 14-17, and table 20, group VI, 21-24. A.R.S. § 49-1091 dictates overall time-frames and a dispute resolution process which are contrary to the time-frames and procedures established by the proposed rule. Therefore, the license categories should be exempt from the proposed rule and deleted from Table 18. The foregoing categories are underground storage tank (UST) regulations that are not subject to fees, thus no fee refund, excusal, or penalty is applicable. Consistent with proposed R18-1-502(C), Article 5 would not govern underground storage tank licenses. Therefore, in order to make the rule clear and understandable the UST categories should be deleted from Table 18. In all cases the time-frames established in table 18 should be consistent with time-frames established in Title 49. Pursuant to A.R.S. § 41-1073(B), if a statutory time-frame already exists the agency may not exceed the overall statutory time-frames in rule.

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Response: The Department disagrees and leaves the inclusion and times for these categories unchanged from the October 23, 1998, proposed rule. Much of this comment is similar to the proceeding comment above. In addition, the Department makes 2 responses. First, the Department disagrees that the absence of an application fee has a bearing on whether a license is subject to the licensing time-frames statute. The statute clearly applies to non-fee applications. A.R.S. § 41-1073(A) requires the Department to set time-frames for each type of licenses it issues and no exception based on absence of fee appears in A.R.S. § 41-1073(D) or elsewhere.

Second, the Department disagrees that the presence of an application review time in statute means that the license must be excluded from a LTF rule. A.R.S. § 41-1073(B) expressly states how an agency shall include licenses within a LTF rule when an application review time already exists in statute.

The Department agrees that the implementation of the licensing time-frames statute may tend to confuse especially when the legislature has already identified a license application review time in statute. The Department's duty is to harmonize competing statutes if necessary and reduce possible confusion as much as possible. This, the Department believes it had done in the proposed rule.

For the reasons given in the response to the preceding comment, the Department has deleted these categories from today's rule pending further clarification by the commenters as to the actual requirements to be placed in rule.

GRRC comments made subsequent to the above comments. Comments 1 through 135 contain comments from many sources including comments made by GRRC staff after a courtesy review in May 1998 and the submission of this rule package to GRRC in December 1998. After the Department completed all changes required by staff and resubmitted the rule in May 1999, GRRC made 3 rounds of additional comments and requirements for changes throughout the rule text and the rule package prior to allowing the Department to resubmit the rule package in June 1999 for consideration by Council members in July 1999. These additional comments and required changes exceeded 300 in number and included changes to requirements imposed by staff in previous rounds. The Department has made all these changes to the rule text required by staff even if not in agreement. The Department estimates that it has expended well in excess of 3000 hours in responding to suggestions and requirements identified by GRRC staff over the last year concerning today's rule prior to Council consideration. The Department also estimates that it must expend at least a like amount to implement the changes required by GRRC staff.

Public comments made subsequent to the above comments. After the above changes were made to the satisfaction of GRRC, representatives of the Chamber of Commerce of Arizona repeated and emphasized certain comments made during the formal comment period. The Department reconsidered its determination as a result and offered a series of changes in response at the July 13, 1999, GRRC hearing on the rulemaking. GRRC accepted the changes and approved the rule package subject to the changes. These changes included mostly deletions of certain provisions throughout the rule text. Most of the deleted provisions had been designed to clarify the Department's ability to inform applicants of fatal application deficiencies under certain circumstances. Others of the deleted provisions had been designed to provide additional certainty to applicants concerning exactly what the Department expected to do under certain circumstances. One change concerned R18-1-503(A)(7). Here, the Department changed this subsection as indicated in § 10 above.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

13. Incorporations by reference and their location in the rules:

None.

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rule follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 1. DEPARTMENT OF ENVIRONMENTAL QUALITY
ADMINISTRATION**

ARTICLE 5. LICENSING TIME-FRAMES

Sections

R18-1-501. Definitions

R18-1-502. Applicability; Effective Date

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<u>R18-1-503.</u>	<u>Administrative Completeness Review Time-frame Operation; Administrative Completeness</u>
<u>R18-1-504.</u>	<u>Substantive Review Time-frame Operation; Requests for Additional Information</u>
<u>R18-1-505.</u>	<u>Overall Time-frame Operation</u>
<u>R18-1-506.</u>	<u>Time-frame Extension Operation</u>
<u>R18-1-507.</u>	<u>Ending of Time-frames; Licensing Decisions; Withdrawal; Notice of Licensing Time-frames Nonapplicability</u>
<u>R18-1-508.</u>	<u>Licensing Time-frames Pre-application Agreements</u>
<u>R18-1-509.</u>	<u>Licensing Time-frames Supplemental Request Agreements</u>
<u>R18-1-510.</u>	<u>Licensing Time-frames Extension Agreements</u>
<u>R18-1-511.</u>	<u>Licensing Time-frames Changed Application Agreements</u>
<u>R18-1-512.</u>	<u>Reserved</u>
<u>R18-1-513.</u>	<u>Licensing Time-frames Opt-in Agreements</u>
<u>R18-1-514.</u>	<u>Reserved</u>
<u>R18-1-515.</u>	<u>Reserved</u>
<u>R18-1-516.</u>	<u>Reassignment of License Category</u>
<u>R18-1-517.</u>	<u>Application Withdrawal</u>
<u>R18-1-518.</u>	<u>Emergencies</u>
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<u>R18-1-520.</u>	<u>Notice of Intent to Rely on the Application Components As Submitted</u>
<u>R18-1-521.</u>	<u>Notice of Intent to Rely on the License Category</u>
<u>R18-1-522.</u>	<u>Notice of Change of Applicant's Agent for Receiving Licensing Time-frames Notices</u>
<u>R18-1-523.</u>	<u>Refunds, Fee Excusals, and Penalties</u>
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<u>Table 1.</u>	<u>Class I Air Licenses</u>
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<u>Table 4.</u>	<u>Vehicle Emission Licenses</u>
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<u>Table 5-S.</u>	<u>Safe Drinking Water Construction Licenses Issued by the Southern Regional Office</u>
<u>Table 6.</u>	<u>Wastewater Construction Licenses Issued by the Phoenix Office</u>
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<u>Table 16.</u>	<u>Waste Tire, Lead Acid Battery, and Used Oil Licenses</u>
<u>Table 17.</u>	<u>Hazardous Waste Licenses</u>
<u>Table 18.</u>	<u>Underground Storage Tank Licenses</u>
<u>Table 19.</u>	<u>WQARF Remediation Licenses Issued by the Phoenix Office</u>
<u>Table 19-S.</u>	<u>WQARF Remediation Licenses Issued by the Southern Regional Office</u>
<u>Table 20.</u>	<u>Voluntary Program Remediation Licenses</u>
<u>Table 21.</u>	<u>Pollution Prevention Licenses</u>
<u>Table 22.</u>	<u>Multi-Program Licenses</u>

R18-1-501. Definitions

In addition to the definitions provided in A.R.S. § 41-1001, § 41-1072, and A.A.C. R18-1-101, the following definitions apply to this Article:

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1. "Administrative completeness" or "administratively complete" means Department receipt of all application components required by statute or rule and necessary to enable the Department to issue a notice of administrative completeness under A.R.S. § 41-1074 and thereby end the administrative completeness review time-frame and start the substantive review time-frame.
2. "Administrative completeness review" means the process of clerical verification by the Department to determine whether the submitted application components meet the requirements of administrative completeness.
3. "Applicant" means the person who requests the Department to issue a license.
4. "Applicant response" means a written response from the applicant to a Department notice that complies with all the following:
 - a. The response identifies the applicant.
 - b. The response identifies the Department notice.
 - c. The response is addressed to the Department employee identified in the Department notice as the designated recipient of the notice.
 - d. The response contains the required information identified in the Department notice or the response contains a notice under R18-1-520 to rely on the application components as submitted.
5. "Application" means a request to the Department to issue a license to the requestor when that request is in writing and complies with R18-1-502 and R18-1-503(A).
6. "Application clerk" means a Department employee with authority to receive applications for the specific license identified on the submitted application component or applicant response.
7. "Application component" means a document, other written information, or fee required by statute or rule and submitted to the Department in support of an application.
8. "Companion category" means 1 of an association of 2 or more consecutive categories, shown on the license tables with paired license names, and containing a distinction between "standard" and "complex", between "without a public hearing" and "with a public hearing", or "without a public meeting" and "with a public meeting".
9. "Complex" means an application category that requires a significant increase in Department application review resources in excess of applications processed in a companion standard category due to the size, novelty, complexity, or technical difficulty expressed in the application.
10. "Comprehensive request for additional information" means a Department notification made after the administrative completeness review time-frame that:
 - a. Contains a list of information required by statute or rule and necessary before the Department may grant the license; and
 - b. Suspends the running of days within the time-frames.
11. "Day" means business day and excludes Saturdays, Sundays, and state holidays.
12. "Department notification" or "Department notice" means written communication by the Department to an applicant in person or at the mailing or electronic address identified on the application. The Department may notify the applicant at the applicant's electronic address only if the applicant provides that address as part of an application component. The notification is effective:
 - a. If mailed, on the date of its postmark.
 - b. If delivered in person by a Department employee or agent, on the date of delivery.
 - c. If delivered electronically, on the date of delivery to the electronic address.
13. "Department receipt" of an application component or an applicant response means 1 of the following days, whichever is later:
 - a. If the component or response is handed to an application clerk by the applicant, the day of actual receipt by the application clerk.
 - b. If the component or response is mailed, 5 days after a postmark identifying mailing date.
 - c. If the Department notifies the applicant within 5 days after the date of actual receipt, the day of actual receipt of the component or response by the application clerk.
 - d. If during an application moratorium or time-frame suspension declared under R18-1-518, the day after the moratorium or suspension ends.
14. "Electronic address" means either a telephone number for facsimile document communication (fax) or an electronic mail (e-mail) address. "Electronic address" does not mean a telephone number for voice or TDD (telephone device for the deaf) communication.
15. "Fee excusal" means the sanction imposed on a Department fund under A.R.S. § 41-1077(A) that requires the Department to excuse further fees required from the applicant by the Department.
16. "Initial fee" means that part of the fee required to be submitted under R18-1-503(A).
17. "License category" means a numbered category identified on a license table.
18. "License table" means a table within this Article.
19. "Licensing time-frame" means any of the time-frames identified in A.R.S. §§ 41-1072 through 41-1079, the operation of which require the Department to report its compliance level for overall time-frames to the Governor's Regulatory Review Council under A.R.S. § 41-1078(A).

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20. "Licensing time-frame agreement" means an agreement made under any of the sections R18-1-508 through R18-1-513.
21. "Penalty" means the sanction imposed on a Department fund under A.R.S. § 41-1077(B).
22. "Phased application" means an application processed pursuant to a licensing time-frame agreement that allows the applicant to submit application components in 2 or more phases with each phase providing for administrative completeness review.
23. "Pre-application" means the period prior to Department receipt of an applicant's 1st application component submittal under R18-1-503(A).
24. "Presumptive administrative completeness" means the expiration of the administrative completeness review time-frame and the automatic start of the running of days within the substantive review time-frame under A.R.S. § 41-1074(C) if the Department fails to issue a notice of administrative completeness under A.R.S. § 41-1074(A).
25. "Presumptive overall time-frame" means the sum of the days shown for the administrative completeness review and substantive review time-frames on the license tables for that license category and may be different from the actual overall time-frame because the presumptive overall time-frame does not include a lengthening of the time-frame due to a time-frame extension agreement or a shortening of the time-frame due to early starting of the substantive review time-frame caused by the issuance of a notice of administrative completeness.
26. "Presumptive substantive review time-frame" means the days shown for the substantive review time-frame on the license tables for a license category.
27. "Refund" means the sanction imposed on a Department fund under A.R.S. § 41-1077(A) that requires the Department to refund fees already paid by the applicant into that fund.
28. "Request for additional information" means a Department notification or contact made after the administrative completeness review time-frame and that identifies information required by statute or rule and necessary before the Department may grant the license.
29. "Sanction" means a refund, fee excusal, or penalty under A.R.S. § 41-1077.
30. "Site inspection" means an inspection performed by the Department under A.R.S. § 41-1009 as part of a required component of an application for a license shown on the license tables.
31. "Substantive review" means the process of qualitative evaluation by the Department of application components to determine whether the components meet all requirements in statute or rule and necessary to grant the license. "Substantive review" does not include clerical verification of the components nor does it include Department investigations resulting from reporting or notification requirements.
32. "Time-frame extension" means the entire period after the overall time-frame would otherwise expire and during which an application is not subject to sanctions. The substantive review and overall time-frames continue in effect and do not expire during the time-frame extension.
33. "Withdrawn application" means an application that has ceased to be subject to this Article due to the applicant's request that the Department cease all consideration of the application under R18-1-517. An applicant's ability to withdraw an application is not governed by this Article.
34. "WQARF" means water quality assurance revolving fund.

R18-1-502. Applicability: Effective Date

A. This Article does not apply to any of the following:

1. A license not requiring an application.
2. A license conferred by a prospective licensee's notification to the Department of an event, activity, or facility and that is not conferred by the Department in the form of a written license issued to the notifier in response to the notification.
3. A license issued at the Department's initiative.
4. A license issued by default if the Department does not make a licensing decision within a time identified in statute or rule.
5. A license not identified in a category shown on the license tables.
6. A license that requires 1 or more application components pursuant to an enforcement, abatement, or compliance order or consent agreement or a notice of violation in addition to those identified for a license category shown on the license tables if submission of the component or components is required before the Department may make a decision to grant the license.
7. A license issued by a political subdivision of the state when acting under an agreement with the Department made pursuant to A.R.S. § 49-107 or A.R.S. Title 11, Chapter 7, Article 3.
8. An application for which the applicant is not the prospective licensee.
9. Compliance activity by licensees in conformance with an issued license except for license renewal or revision activity.
10. Contractual activity under A.R.S. § 41-1005(A)(16).
11. Activity that leads to the revocation, suspension, annulment, or withdrawal of a license.

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12. A license for which Department receipt of the 1st application component submittal under R18-1-503(A) occurs before the effective date of this Article. The effective date of this Article shall be at midnight 2 weeks after the notice of final rulemaking is filed with the secretary of state.
- B.** If an application becomes subject to this Article, it remains subject to the terms of the original license category in which it was classified unless the application is withdrawn, is altered by a licensing time-frames agreement, or is changed under R18-1-516. If altered by a licensing time-frames agreement, the terms of the original license category are modified only to the extent expressly stated in the licensing time-frames agreement.
- C.** If an Arizona statute or other rule in this Title conflicts with this Article, the statute or other rule governs except that only this Article determines whether an applicant is entitled to a refund and fee excusal due to Department failure to notify an applicant of a licensing decision within a licensing time-frame under A.R.S. § 41-1077(A).

R18-1-503. Administrative Completeness Review Time-frame Operation; Administrative Completeness

- A.** The administrative completeness review time-frame for an application begins on the day of Department receipt of the 1st component submittal in support of the application that contains all the following:
1. Identification of the applicant.
 2. If the license is for a facility, identification of the facility.
 3. Name and mailing address of the applicant or applicant's agent authorized by the applicant to receive all notices issued by the Department under this Article.
 4. Identification of the license category in which the application shall be 1st processed. If companion categories are shown on a license table for this license, the application shall be 1st processed in the companion category that is determined as follows:
 - a. If "standard" and "complex" categories are shown, in the "standard" category.
 - b. If "without a public hearing" and "with a public hearing" are shown, in the "without a public hearing" category.
 - c. If "without a public meeting" and "with a public meeting" are shown, in the "without a public meeting" category.
 5. Completed Department application form if required for the license category.
 6. Initial fee if required for the license category.
 7. All application components set forth by the Department in accordance with A.R.S. § 41-1079.
- B.** The administrative completeness review time-frame for an application ends on the earlier of the following days:
1. The day the Department notifies the applicant that the application is administratively complete under A.R.S. § 41-1074.
 2. If the Department does not notify the applicant that the application is administratively complete under A.R.S. § 41-1074, the last day shown for the administrative completeness review time-frame for the relevant license category on the license tables.
- C.** If a notice of administrative deficiencies states that the Department is suspending the running of days within the time-frames until the applicant supplies the missing information identified on a comprehensive list of specific deficiencies included with the notice, the running of days within the administrative completeness review time-frame suspends on the day of notification.
- D.** If suspended, the running of days within the administrative completeness review time-frame resumes upon Department receipt of the missing information identified on the comprehensive list of specific deficiencies except when the Department notifies the applicant within 10 days after receipt that not all of the missing information was supplied, in which case the running of days within the time-frame remains suspended from the time of the 1st notice under subsection (C) of this Section until the missing information is supplied to the Department.
- E.** If the Department determines that an applicant has submitted all application components required by statute or rule within the administrative completeness review time-frame and necessary to allow the Department to grant the license, the Department shall notify the applicant that the application is administratively complete under A.R.S. § 41-1074.
- F.** If presumptive administrative completeness occurs:
1. Further notices of administrative deficiencies issued under subsection (C) of this Section will not suspend the running of days within the substantive review or overall time-frames and
 2. The Department does not waive the requirement for the applicant to submit all application components necessary to allow the Department to grant the license.
- G.** The running of days within the administrative completeness review time-frame also suspends and resumes under R18-1-518 (emergencies).
- H.** If, within 5 days after Department receipt of a 1st component submittal under subsection (A) of this Section, the Department determines that the submittal is so defective that the applicant clearly failed to make a good faith effort to submit all application components required by statute or rule and necessary for the Department to make a licensing decision to grant the license, the Department may determine that the submittal is not subject to this Article and that the Department shall not process the submittal. Department notification of this determination under R18-1-507(E) will cause all time-frames to end. The Department shall allow the applicant to reclaim the submittal.

R18-1-504. Substantive Review Time-frame Operation; Requests for Additional Information

- A.** The substantive review time-frame for an application begins on 1 of the following days:

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1. If the Department notifies the applicant that the application is administratively complete before the expiration of the administrative completeness review time-frame, 1 day after notification.
2. If the Department does not notify the applicant that the application is administratively complete before the expiration of the administrative completeness review time-frame, 1 day after expiration.
- B.** The substantive review time-frame for an application ends on the earlier of the following days:
 1. The day of Department notification that it has made a licensing decision under A.R.S. § 41-1076 and R18-1-507.
 2. The last day shown for the substantive review time-frame for the license category on the license tables.
- C.** If the Department notifies the applicant to respond to a comprehensive request for additional information, the running of days within the substantive review time-frame suspends on the day of Department notification. The Department may issue only 1 comprehensive request that suspends the running of days within the substantive review time-frame under A.R.S. § 41-1075(A).
- D.** The running of days within the substantive review time-frame resumes upon Department receipt of the missing information identified in the comprehensive request except if the Department notifies the applicant within 15 days after receipt that not all of the missing information was supplied, in which case the running of days within the time-frame remains suspended until the applicant supplies the missing information to the Department.
- E.** The running of days within the substantive review time-frame also suspends and resumes under R18-1-518 (emergencies).

R18-1-505. Overall Time-frame Operation

- A.** The overall time-frame for an application begins on the same day as the administrative completeness review time-frame.
- B.** The running of days within the overall time-frame suspends and resumes in concert with the administrative completeness and substantive review time-frames and time-frame extensions.
- C.** The duration of the overall time-frame equals the sum of all the following days unless altered by R18-1-508 (licensing time-frames pre-application agreements), R18-1-511 (changed licensing time-frames agreements), or R18-1-513 (licensing time-frames opt-in agreements):
 1. The lesser of:
 - a. The number of days shown for the administrative completeness review time-frame on the license tables, or
 - b. The actual number of days for the administrative completeness review time-frame if the Department notifies the applicant under R18-1-503(E) that the application is administratively complete before the expiration of the administrative completeness review time-frame;
 2. The lesser of:
 - a. The number of days shown for the substantive review time-frame on the license tables,
 - b. The actual number of days for the substantive review time-frame if the Department notifies the applicant of a licensing decision under R18-1-504(B)(1), or
 - c. The actual number of days for the substantive review time-frame if the applicant causes the time-frame clocks to end under R18-1-507(D); and
 3. The number of days added by 1 or more licensing time-frames extension agreements under R18-1-510.

R18-1-506. Time-frame Extension Operation

- A.** If created by a licensing time-frames extension agreement under R18-1-510, the time-frame extension for an application begins 1 day after the substantive review and overall time-frames would otherwise expire and operates as if they were still in operation.
- B.** The time-frame extension for an application ends on 1 of the following days, whichever is earlier:
 1. The day of Department notification that it has made a licensing decision under A.R.S. § 41-1076 and R18-1-507.
 2. The day shown for the expiration of the time-frame extension identified in the time-frame extension agreement.
- C.** The Department may notify an applicant to respond to 1 comprehensive request for additional information during the time-frame extension on the same terms as prescribed in R18-1-504 except that the Department shall not make more than 1 comprehensive request for additional information under both R18-1-504 and this Section.
- D.** An applicant and the Department may enter into 1 or more licensing time-frames supplemental request agreements during the time-frame extension on the same terms as prescribed in R18-1-509.
- E.** The running of days within the time-frame extension also suspends and resumes under R18-1-518 (emergencies).

R18-1-507. Ending of Time-frames; Licensing Decisions; Withdrawal; Notice of Licensing Time-frames Nonapplicability

- A.** Department notification of the following licensing decisions is sufficient to end all licensing time-frames for an application:
 1. Unconditional grant of the license, meaning that the Department did not add conditions not requested by, or agreed to by, the applicant.
 2. Conditional grant of the license, meaning that the Department added conditions not requested by, or agreed to by, the applicant.
 3. Denial of the license.

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- B.** Department notification of a conditional grant of a license under subsection (A) of this Section shall include both the following:
1. An explanation of the applicant's right to appeal the action under A.R.S. §§ 41-1076(2) and 41-1092.03(A).
 2. An explanation of the applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
- C.** The Department may deny a license under subsection (A) of this Section if the applicant submits incomplete or inaccurate information in response to a notice of administrative deficiencies under R18-1-503, a request for additional information or a comprehensive request for additional information under R18-1-504, a supplemental request for additional information under R18-1-509, or any other deficiency in the application that prevents the Department from exercising its authority to grant the license. Department notice of the denial of a license shall include all the following:
1. A justification for the denial under A.R.S. § 41-1076(1).
 2. An explanation of the applicant's right to appeal the action under A.R.S. §§ 41-1076(2) and 41-1092.03(A).
 3. An explanation of the applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
- D.** The following actions by the applicant are sufficient to end all time-frames for an application:
1. Withdrawing the application under R18-1-517.
 2. Entering into a changed licensing time-frames agreement under R18-1-511.
- E.** If the Department determines during its review of an application that the application is not subject to this Article, the Department shall notify the applicant that the application is not subject to this Article. The Department notification shall contain the Department's reason for making the determination. Department notification causes all time-frames for the application to end.

R18-1-508. Licensing Time-frames Pre-application Agreements

- A.** An applicant and the Department may enter into a licensing time-frames pre-application agreement to allow the applicant to do 1 or more of the following:
1. Submit certain application components in 1 or more phases during the substantive review time-frame.
 2. Coordinate the licensing time-frames requirements of this Article with expedited application review by a private consultant under contract with the Department for that purpose.
 3. Coordinate the licensing time-frames requirements of this Article with an applicant's requirements to apply for and obtain other approvals reasonably related to the subject matter of the application.
- B.** A licensing time-frames pre-application agreement shall contain at least the following terms:
1. Unless otherwise specified in the agreement, all requirements of this Article remain in effect.
 2. A waiver under A.R.S. § 41-1004 by the applicant of its rights to the number of time-frame days identified on the license tables in consideration of the Department allowing the applicant to enter into a licensing time-frames pre-application agreement.
 3. Identification of application components.
 4. The number of days for the administrative completeness review time-frame and the substantive review time-frame. Time spent in pre-application review shall not count toward the running of days within the time-frames.
 5. A fee adjustment, if appropriate.
 6. Identification of the license category within which the Department shall begin processing the application.
- C.** A licensing time-frames pre-application agreement that allows the applicant to submit certain application components in 1 or more phases during the substantive review time-frame shall contain at least the terms identified in subsection (B) of this Section and the following terms:
1. The overall time-frame shall not be less than the presumptive overall time-frame identified in subsection (B)(6) of this Section.
 2. The administrative completeness review time-frame shown for the license category identified in subsection (B)(6) of this Section shall apply only to the 1st application phase.
 3. The applicant may submit components otherwise required for administrative completeness in subsequent phases during the substantive review time-frame only to the extent that the agreement specifies deadlines for each subsequent application phase and identifies the application components required in each subsequent phase. The Department may notify the applicant to respond to a notice of administrative deficiencies within 15 days after each subsequent submittal or the deadline identified in the agreement for each subsequent phased application component submittal.
 4. The Department may suspend the running of days within the time-frames once in each application phase with a comprehensive request for additional information on the same terms as prescribed under R18-1-504.
- D.** The Department shall consider all the following factors when determining whether to enter into a licensing time-frames pre-application agreement:
1. The complexity of the licensing subject matter. The Department shall not enter into an agreement if the presumptive substantive review time-frame is less than 90 days.

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2. The resources of the Department. The Department shall not enter into an agreement if the Department determines that either the negotiation of the agreement or the terms of the agreement are likely to require the Department to expend additional resources to the significant detriment of other applicants.
3. The impact on public health and safety or the environment. The Department shall not enter into an agreement if the Department determines that the terms of the agreement are likely to cause a significant increase or change in the nature of the potential detrimental effects of the facility or activity to be governed by the license on public health and safety or the environment.

R18-1-509. Licensing Time-frames Supplemental Request Agreements

- A.** An applicant and the Department may enter into 1 or more licensing time-frames supplemental request agreements to allow the suspension of the running of days within the relevant substantive review and overall time-frames and time-frame extensions pending a response from the applicant to a supplemental request for additional information under A.R.S. § 41-1075(A). A request for additional time alone is not a valid justification for a supplemental request agreement.
- B.** A licensing time-frames supplemental request agreement shall contain at least the following terms:
 1. Unless otherwise specified in the agreement, all requirements of this Article remain in effect.
 2. A list of the additional information requested.
 3. The running of days within the relevant substantive review and overall time-frames and time-frame extensions shall suspend and resume under Sections R18-1-504 through R18-1-506.

R18-1-510. Licensing Time-frames Extension Agreements

- A.** An applicant and the Department may enter into 1 or more time-frames extension agreements to extend the substantive review and overall time-frames under A.R.S. § 41-1075(B).
- B.** The total of all time-frames extension agreements may extend the time-frames no more than 25% of the number of days beyond the presumptive overall time-frame or, if identified as a fixed number in an R18-1-508 pre-application agreement, the presumptive overall time-frame in that agreement. A calculation that results in a fraction of a day shall be rounded to the nearest day.
- C.** A time-frames extension agreement shall contain at least the following terms:
 1. Unless specified otherwise in the agreement, all requirements of this Article remain in effect.
 2. The number of time-frame extension days.
 3. The agreement creates a time-frame extension that operates under R18-1-506.

R18-1-511. Licensing Time-frames Changed Application Agreements

- A.** An applicant and the Department may enter into a licensing time-frames agreement to allow the applicant to change information previously submitted in support of a license application and to supersede the time-frames of that application with new time-frames. A changed licensing time-frames agreement causes all time-frames on the application to end under R18-1-507(D) and creates a new set of time-frames that operates under the agreement.
- B.** A changed licensing time-frames agreement shall contain at least the following terms:
 1. Unless specified otherwise in the agreement, all requirements of this Article remain in effect.
 2. A waiver under A.R.S. § 41-1004 by the applicant of its rights to the number of time-frame days identified on the license tables in consideration of the Department allowing the applicant to change the information submitted in support of a changed application.
 3. Identification of application components required in support of the changed application.
 4. The number of time-frame days applicable to the changed application.
 5. A fee adjustment, if appropriate.
 6. Identification of the license category within which the Department shall continue processing the changed application.
- C.** The Department shall consider all the following factors when determining whether to enter into a changed licensing time-frames agreement:
 1. The complexity of the licensing subject matter. The Department shall not enter into an agreement if the presumptive substantive review time-frame is less than 30 days.
 2. The resources of the Department. The Department shall not enter into an agreement if the Department determines that either the negotiation of the agreement or the terms of the agreement are likely to require the Department to expend additional resources to the significant detriment of other applicants.
 3. The impact on public health and safety or the environment. The Department shall not enter into an agreement if the Department determines that the terms of the agreement are likely to cause a significant increase or change in the nature of the potential detrimental effects of the facility or activity to be governed by the license on public health and safety or the environment.

R18-1-512. Reserved

R18-1-513. Licensing Time-frames Opt-in Agreements

- A.** An applicant and the Department may enter into an agreement to make an application subject to this Article when that application is otherwise exempt. An opt-in agreement creates a set of time-frames that operates under the agreement.

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- B.** A licensing time-frames opt-in agreement shall contain at least the following terms:
1. Unless otherwise specified in the agreement, all requirements of this Article apply to the application.
 2. Identification of the license category within which the Department shall continue processing the application.
 3. Identification of application components required in support of the application.
 4. The number of time-frame days applicable to the application.
 5. A fee adjustment, if appropriate.
- C.** A licensing time-frames opt-in agreement may allow an applicant to submit certain application components in 1 or more phases during the substantive review time-frame if the agreement contains terms equivalent to those under R18-1-508(C).
- D.** The Department shall consider all the following factors when determining whether to enter into a licensing time-frames opt-in agreement:
1. The complexity of the licensing subject matter. The Department shall not enter into an agreement if the time set for the substantive review time-frame is less than 90 days.
 2. The resources of the Department. The Department shall not enter into an agreement if the Department determines that either the negotiation of the agreement or the terms of the agreement are likely to require the Department to expend additional resources to the significant detriment of other applicants.
 3. The impact on public health and safety or the environment. The Department shall not enter into an agreement if the Department determines that the terms of the agreement are likely to cause a significant increase or change in the nature of the potential detrimental effects of the facility or activity to be governed by the license on public health and safety or the environment.

R18-1-514. Reserved

R18-1-515. Reserved

R18-1-516. Reassignment of License Category

- A.** The Department may reassign an application to a different category if an evaluation of the application components indicates that a change is necessary in the category in which the application is classified. The Department shall notify the applicant of the change in the license category at which time the reassignment shall take effect. The Department notice shall contain the Department's reason for making the reassignment to a different license category. After receiving Department notification, the applicant may submit an R18-1-521 notice of intent to rely on the license category in effect before Department notification.
- B.** If a public hearing or public meeting is requested for an application for a license that requires the Department to hold a public hearing or public meeting on a proposed licensing decision if requested, the Department shall reassign the application from a license category not providing for a public hearing or public meeting to the companion category so providing.
- C.** Reassignment may include a change from a standard to a companion complex category if such categories are shown on the license tables.
- D.** Reassignment to a new license category under this Section means only that the time-frames for the application expire on the days shown for the new license category rather than the previous category.

R18-1-517. Application Withdrawal

Withdrawal of an application causes all time-frames for that application to end.

R18-1-518. Emergencies and Upset Conditions

- A.** The Director may declare a moratorium on the starting of time-frames for new applications or may declare a suspension of all time-frames for 1 or more license categories identified on the license tables upon a determination that the starting of time-frames for new applications or the continued running of days within the time-frames on existing applications in that license category is likely to result in sanctions for those applications due to emergencies including:
1. Diversion of Department resources to respond to pollution prevention emergency activity.
 2. Loss of use of premises.
 3. Computer failure, or
 4. Lack of access to a site inspection location due to weather or other natural conditions.
- B.** A declaration of a time-frame moratorium or suspension under subsection (A) of this Section shall be in writing and shall include all the following:
1. The reason for the time-frame moratorium or suspension.
 2. Identification of the license categories subject to the time-frame moratorium or suspension.
 3. If relevant, restriction of the declaration to 1 or more application review or site inspection locations.
 4. Expiration of the time-frame moratorium or suspension by a date certain.
- C.** The Director may revoke declarations or issue successive declarations. The Director shall ensure that the duration of a time-frame moratorium or suspension under subsection (A) of the Section is limited to the shortest time necessary to address the emergency.
- D.** A declaration of a time-frame moratorium or suspension under subsection (A) of this Section affects only the operation of the time-frames and does not prohibit the Department from acceptance or continued review of license applications.

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- E.** A declaration of a time-frame moratorium or suspension under subsection (A) of this Section applies only to applications and license categories that are subject to sanctions

R18-1-519. Public Hearings; Public Meetings; Public Notice Periods

The suspension or expiration of the substantive review time-frame does not invalidate public hearings, public meetings, or public notice periods required by law to occur before a decision by the Department to grant a license.

R18-1-520. Notice of Intent to Rely on the Application Components as Submitted

- A.** An applicant, instead of submitting some or all of the application components identified by the Department, may submit a R18-1-205 notice of intent to rely on the application components as submitted in response to either of the following:
1. Receiving a notice of administrative deficiencies issued by the Department during the administrative completeness review time-frame.
 2. Receiving a comprehensive request for additional information or a supplemental request for additional information issued by the Department after the administrative completeness review time-frame.
- B.** If the Department decides under R18-1-205 to rescind or modify the identification of the application component or components objected to by the applicant, the Department shall make the decision within 15 days after Department receipt of the applicant's R18-1-205 notice. If, at the time of the decision, the running of days within the time-frames is suspended:
1. A decision to rescind the identification of all application components identified in the notice shall resume the running of days within the time-frames.
 2. A decision to rescind less than all or to modify the identification of 1 or more application components identified in the notice, shall allow the running of days within the time-frames to remain suspended in accordance with the Department notice identified in subsections (A)(1) or (A)(2) of this Section.
- C.** If, within 15 days after Department receipt of the applicant's R18-1-205 notice, the Department has not notified the applicant of a decision to rescind or modify the identification of the application component or components complained of in the notice, the running of days within the time-frames, if suspended, shall resume.

R18-1-521. Notice of Intent to Rely on the License Category

- A.** Upon Department notification that the Department has changed the license category under R18-1-516, an applicant may submit a notice of intent to rely on the license category in effect before the Department notification.
- B.** The applicant's notice under subsection (A) of this Section shall include all of the following:
1. Identification of the applicant.
 2. Identification of the license application.
 3. Identification of the date of the Department notice.
 4. A statement that the applicant intends to rely on the license category in effect before Department notification of the R18-1-516 license category change as the basis upon which the Department shall make a licensing decision.
- C.** Upon receipt of an applicant's notice under subsection (A) of this Section, the Department shall do 1 of the following:
1. Rescind the change under subsection (D) of this Section.
 2. Make a licensing decision under R18-1-507(A) and process the decision in the changed category identified under R18-1-516.
 3. Allow the license category to revert under subsection (E) of this Section.
- D.** If the Department decides to rescind the change in the license category, the Department shall notify the applicant of the decision within 15 days after Department receipt of the applicant's notice under subsection (A) of this Section and shall continue to process the application in the license category on which the applicant is relying.
- E.** If, within 15 days after Department receipt of the applicant's notice under subsection (A) of this Section, the Department has not notified the applicant of a decision under subsection (C) of this Section, the license category shall revert to the category in effect before the R18-1-516 Department notification with the same effect on the time-frames as described in subsection (D) of this Section.

R18-1-522. Notice of Change of Applicant's Agent for Receiving Licensing Time-frames Notices

- A.** An applicant may change the designation of its agent identified under R18-1-503(A)(3) for receiving Department licensing time-frames notification.
- B.** To change the designation of the agent, the applicant shall submit a notice that complies with all the following to the application clerk:
1. Identification of the applicant.
 2. Identification of the application.
 3. Name and mailing address of the current agent authorized to receive all notices issued by the Department under this Article.
 4. Name and mailing address of the new agent authorized to receive all notices issued by the Department under this Article.
 5. Date when the applicant's authorization of the new agent will be effective.
 6. Certification by the applicant that the information given under this subsection is true.

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- C.** Upon Department receipt of the applicant's notice under subsection (B) of this Section, the Department shall notify the applicant of the date of receipt. The effective date of the change of applicant's agent shall not be less than 3 days after Department receipt of the notice.

R18-1-523. Refunds, Fee Excusals, and Penalties

- A.** An application is subject to sanctions under A.R.S. § 41-1077 only if the application is governed by this Article and requires a fee that is deposited in a Department fund. In addition, an application is subject to penalties under A.R.S. § 41-1077(B) only if it is subject to a substantive review time-frame as indicated on the license tables. An application withdrawn before the expiration of the overall time-frame is not subject to sanctions.
- B.** The Department shall make a refund and fee excusal to an applicant for an application if the Department determines both of the following:
1. The overall time-frame for that application expired prior to Department notification of a licensing decision under R18-1-507(A).
 2. The applicant is the prospective licensee of the application.
- C.** The Department shall issue a refund and make a fee excusal within 15 days after the Department makes a determination that a refund and fee excusal is due.
- D.** A refund and fee excusal is limited to the specific application giving rise to the refund and fee excusal and does not include a refund or payment excusal for services requested by the applicant beyond the scope of the application. A refund is limited to the amount actually received from the applicant by the Department for the review of the specific application giving rise to the refund and does not include interest.
- E.** The Department shall pay to the state general fund a penalty for an application if the Department determines both of the following:
1. The overall time-frame for that application expired prior to Department notification of a licensing decision under R18-1-507(A)
 2. On the last calendar day of the month, the Department still has not made a licensing decision under R18-1-507(A).
- F.** If an application accumulates excused fees, the Department shall calculate the penalty each month to include both the penalty due for the current month plus any additional penalties now due for previous months resulting from the continued accumulation of excused fees during the current month.

R18-1-524. Site Inspections

- A.** If a site inspection is a required application component for a license category, an applicant complies with the requirement to submit a site inspection application component if either of the following is met:
1. The applicant makes all necessary areas of a site available for inspection by the Department at a mutually agreed-upon time and for the period of time necessary for the Department to complete the site inspection.
 2. The Department determines that the conditions of a license are such that a site inspection will provide no additional required information in order for the Department to make a licensing decision under R18-1-507(A)(1) or R18-1-507(A)(2).
- B.** If made, a site inspection shall be performed under A.R.S. § 41-1009. The purpose of a site inspection application component is to allow the Department to identify what site specific facts may be determinative of required license conditions in order to make a licensing decision under R18-1-507(A)(1) or R18-1-507(A)(2).
- C.** The Department shall prepare an inspection report under A.R.S. § 41-1009(D) for every site inspection made. The inspection report shall state both of the following:
1. The Department's action resulting from the inspection is completed.
 2. Whether the applicant complied with subsection (A)(1) of this Section.

R18-1-525. Licensing Time-frames: Application Components

The administrative completeness review time-frame days, the substantive review time-frame days, and the references to application components for each license category subject to this Article are shown on the license tables.

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Table 1. Class I Air Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Individual Class I prevention of significant deterioration (PSD) licenses:</u>				
1. <u>Standard Class I PSD major source permit with no public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-406.</u>	<u>41</u>	<u>219</u>	<u>Yes</u>	<u>A.A.C. R18-2-304, R18-2-402, and R18-2-406.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
2. <u>Standard Class I PSD major source permit with a public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-406.</u>	<u>41</u>	<u>251</u>	<u>Yes</u>	<u>A.A.C. R18-2-304, R18-2-402, and R18-2-406.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
3. <u>Complex Class I PSD major source permit with no public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-406.</u>	<u>41</u>	<u>281</u>	<u>Yes</u>	<u>A.A.C. R18-2-304, R18-2-402, and R18-2-406.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
4. <u>Complex Class I PSD major source permit with a public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-406.</u>	<u>41</u>	<u>313</u>	<u>Yes</u>	<u>A.A.C. R18-2-304, R18-2-402, and R18-2-406.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>Group II: Individual Class I major new source review (NSR) licenses:</u>				
5. <u>Standard Class I major NSR permit with no public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-403.</u>	<u>41</u>	<u>219</u>	<u>Yes</u>	<u>A.A.C. R18-2-304, R18-2-402, R18-2-403.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
6. <u>Standard Class I major NSR permit with a public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-403.</u>	<u>41</u>	<u>251</u>	<u>Yes</u>	<u>A.A.C. R18-2-304, R18-2-402, R18-2-403.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
7. <u>Complex Class I major NSR permit with no public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-403.</u>	<u>41</u>	<u>281</u>	<u>Yes</u>	<u>A.A.C. R18-2-304, R18-2-402, R18-2-403.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>

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Table 1 (Continued). Class I Air Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group II (Continued): Individual Class I major new source review (NSR) licenses:</u>				
8. Complex Class I major NSR permit with a public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-403.</u>	<u>41</u>	<u>313</u>	<u>Yes</u>	<u>A.A.C. R18-2-304, R18-2-402, and R18-2-403.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>Group III: Individual Class I other major source licenses:</u>				
9. Standard Class I other major source permit with no public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302.</u>	<u>41</u>	<u>344</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and fee required.</u>
10. Standard Class I other major source permit with a public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302.</u>	<u>41</u>	<u>376</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and fee required.</u>
11. Complex Class I other major source permit with no public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302.</u>	<u>41</u>	<u>406</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and fee required.</u>
12. Complex Class I other major source permit with a public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302.</u>	<u>41</u>	<u>438</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and fee required.</u>
<u>Group IV: Individual Class I renewal licenses:</u>				
13. Standard Class I renewal permit with no public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-322.</u>	<u>41</u>	<u>344</u>	<u>No</u>	<u>A.A.C. R18-2-304</u> <u>Department application form, site inspection, required.</u>
14. Standard Class I renewal permit with a public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-322.</u>	<u>41</u>	<u>376</u>	<u>No</u>	<u>A.A.C. R18-2-304</u> <u>Department application form, site inspection, required.</u>
15. Complex Class I renewal permit with no public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-322.</u>	<u>41</u>	<u>406</u>	<u>No</u>	<u>A.A.C. R18-2-304</u> <u>Department application form, site inspection, required.</u>
16. Complex Class I renewal permit with a public hearing. <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-322.</u>	<u>41</u>	<u>438</u>	<u>No</u>	<u>A.A.C. R18-2-304</u> <u>Department application form, site inspection, required.</u>

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Table 1 (Continued). Class I Air Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group V: Individual Class I transfer, amendment, and revision licenses:</u>				
<u>17. Class I transfer, A.R.S. § 49-429, A.A.C. R18-2-302 and R18-2-323.</u>	<u>5</u>	<u>10</u>	<u>Yes</u>	<u>A.A.C. R18-2-323. Fee: R18-2-326. Department application form, site inspection, and initial fee required.</u>
<u>18. Class I administrative amendment, A.R.S. § 49-426, A.A.C. R18-2-302 and R18-2-318.</u>	<u>10</u>	<u>41</u>	<u>No</u>	<u>A.A.C. R18-2-318. Site inspection required.</u>
<u>19. Class I minor revision, A.R.S. §§ 49-426.01, A.A.C. R18-2-302 and R18-2-319.</u>	<u>41</u>	<u>103</u>	<u>Yes</u>	<u>A.A.C. R18-2-319. Fee: R18-2-326. Department application form, site inspection, and initial fee required.</u>
<u>20. Standard Class I significant revision with no public hearing, A.R.S. §§ 49-426.01, A.A.C. R18-2-302 and R18-2-320.</u>	<u>41</u>	<u>344</u>	<u>Yes</u>	<u>A.A.C. R18-2-304. Fee: A.A.C. R18-2-326. Department application form, site inspection, and initial fee required</u>
<u>21. Standard Class I significant revision with a public hearing, A.R.S. §§ 49-426.01, A.A.C. R18-2-302 and R18-2-320.</u>	<u>41</u>	<u>376</u>	<u>Yes</u>	<u>A.A.C. R18-2-304. Fee: A.A.C. R18-2-326. Department application form, site inspection, and initial fee required</u>
<u>22. Complex Class I significant revision with no public hearing, A.R.S. §§ 49-426.01, A.A.C. R18-2-302 and R18-2-320.</u>	<u>41</u>	<u>406</u>	<u>Yes</u>	<u>A.A.C. R18-2-304. Fee: A.A.C. R18-2-326. Department application form, site inspection, and initial fee required</u>
<u>23. Complex Class I significant revision with a public hearing, A.R.S. §§ 49-426.01, A.A.C. R18-2-302 and R18-2-320.</u>	<u>41</u>	<u>438</u>	<u>Yes</u>	<u>A.A.C. R18-2-304. Fee: A.A.C. R18-2-326. Department application form, site inspection, and initial fee required.</u>
<u>Group VI: Authority to operate (ATO) under Class I general permit licenses:</u>				
<u>24. Class I general permit petition, A.R.S. § 49-426(H), A.A.C. R18-2-302 and R18-2-502(B).</u>	<u>21</u>	<u>61</u>	<u>No</u>	<u>A.A.C. R18-2-502(B).</u>
<u>25. Class I general coverage ATO new permit, A.R.S. § 49-426(H), A.A.C. R18-2-302 and R18-2-503.</u>	<u>21</u>	<u>103</u>	<u>Yes</u>	<u>A.A.C. R18-2-503. Fee: R18-2-511. Department application form, site inspection, and initial fee required.</u>

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<u>26. Class I general coverage ATO renewal permit.</u>	<u>21</u>	<u>103</u>	<u>Yes</u>	<u>A.A.C. R18-2-505.</u>
<u>A.R.S. § 49-426(H).</u>				<u>Fee: R18-2-511.</u>
<u>A.A.C. R18-2-302 and R18-2-505.</u>				<u>Department application form, site inspection, and initial fee required.</u>

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Table 2. Class II Air Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Individual Class II new licenses:</u>				
1. <u>Standard Class II permit with no public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302.</u>	<u>41</u>	<u>240</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
2. <u>Standard Class II permit with a public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302.</u>	<u>41</u>	<u>272</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
3. <u>Complex Class II permit with no public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302.</u>	<u>41</u>	<u>302</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
4. <u>Complex Class II permit with a public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302.</u>	<u>41</u>	<u>334</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>Group II: Individual Class II renewal licenses:</u>				
5. <u>Standard Class II renewal with no public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-322.</u>	<u>41</u>	<u>240</u>	<u>No</u>	<u>A.A.C. R18-2-304.</u> <u>Department application form and site inspection required.</u>
6. <u>Standard Class II renewal with a public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-322.</u>	<u>41</u>	<u>272</u>	<u>No</u>	<u>A.A.C. R18-2-304.</u> <u>Department application form and site inspection required.</u>
7. <u>Complex Class II renewal with no public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-322.</u>	<u>41</u>	<u>302</u>	<u>No</u>	<u>A.A.C. R18-2-304.</u> <u>Department application form and site inspection required.</u>
8. <u>Complex Class II renewal with a public hearing.</u> <u>A.R.S. § 49-426.</u> <u>A.A.C. R18-2-302 and R18-2-322.</u>	<u>41</u>	<u>334</u>	<u>No</u>	<u>A.A.C. R18-2-304.</u> <u>Department application form site inspection required.</u>
<u>Group III: Individual Class II transfer, amendment, and revision licenses:</u>				
9. <u>Class II transfer.</u> <u>A.R.S. § 49-429.</u> <u>A.A.C. R18-2-302, R18-2-323.</u>	<u>5</u>	<u>10</u>	<u>Yes</u>	<u>A.A.C. R18-2-323.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>

<u>10. Class II administrative amendment.</u>	<u>10</u>	<u>41</u>	<u>No</u>	<u>A.A.C. R18-2-318.</u>
<u>A.R.S. § 49-426.</u>				
<u>A.A.C. R18-2-302, R18-2-318.</u>				

Subject to A.R.S. § 41-1073-(A) Licensing Time-frame Requirements

Day means business day.

<u>License Category</u>	<u>ACR</u> <u>TF</u> <u>Days</u>	<u>SR</u> <u>TF</u> <u>Days</u>	<u>Subject</u> <u>to</u> <u>Sanctions</u>	<u>Application Components</u>
<u>Group III (Continued): Individual Class II transfer, amendment, and revision licenses:</u>				
<u>11. Class II minor revision.</u> <u>A.R.S. § 49-426.01.</u> <u>A.A.C. R18-2-302 and R18-2-319.</u>	<u>41</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-2-319.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>12. Standard Class II significant revision with no public hearing.</u> <u>A.R.S. § 49-426.01.</u> <u>A.A.C. R18-2-302 and R18-2-320.</u>	<u>41</u>	<u>198</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>13. Standard Class II significant revision with a public hearing.</u> <u>A.R.S. § 49-426.01.</u> <u>A.A.C. R18-2-302 and R18-2-320.</u>	<u>41</u>	<u>230</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>14. Complex Class II significant revision with no public hearing.</u> <u>A.R.S. § 49-426.01.</u> <u>A.A.C. R18-2-302 and R18-2-320.</u>	<u>41</u>	<u>260</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>15. Complex Class II significant revision with a public hearing.</u> <u>A.R.S. § 49-426.01.</u> <u>A.A.C. R18-2-302 and R18-2-320.</u>	<u>41</u>	<u>292</u>	<u>Yes</u>	<u>A.A.C. R18-2-304.</u> <u>Fee: R18-2-326.</u> <u>Department application form, site inspection, and initial fee required.</u>

16. Class II general permit petition.	21	61	No	A.A.C. R18-2-502(B).
A.R.S. § 49-426(H).				
A.A.C. R18-2-302 and R18-2-502(B).				

17. <u>Class II general coverage ATO new permit.</u> <u>A.R.S. § 49-426(H).</u> <u>A.A.C. R18-2-302 and R18-2-503.</u>	<u>21</u>	<u>103</u>	<u>Yes</u>	<u>A.A.C. R18-2-503.</u> <u>Fee: R18-2-511.</u> <u>Department application form, site inspection, and initial fee required.</u>
18. <u>Class II general coverage ATO renewal permit.</u> <u>A.R.S. § 49-426(H).</u> <u>A.A.C. R18-2-302 and R18-2-505.</u>	<u>21</u>	<u>103</u>	<u>Yes</u>	<u>A.A.C. R18-2-505.</u> <u>Fee: R18-2-511.</u> <u>Department application form, site inspection, and initial fee required.</u>

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19. Class II general coverage ATO variance.
A.R.S. § 49-426(H).
A.A.C. R18-2-507.

21 103 No

A.A.C. R18-2-507.
Department application form and site inspection
required.

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Table 3. Open Burning Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. Dangerous material open burning permit.</u> <u>A.R.S. § 49-501.</u> <u>A.A.C. R18-2-602.</u>	<u>5</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-2-602(E)(1).</u> <u>Department application form required.</u>

Table 3-N. Open Burning Licenses Issued by the Northern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. Dangerous material open burning permit.</u> <u>A.R.S. § 49-501.</u> <u>A.A.C. R18-2-602.</u>	<u>5</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-2-602(E)(1).</u> <u>Department application form required.</u>

Table 3-S. Open Burning Licenses Issued by the Southern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. Dangerous material open burning permit.</u> <u>A.R.S. § 49-501.</u> <u>A.A.C. R18-2-602.</u>	<u>5</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-2-602(E)(1).</u> <u>Department application form required.</u>

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Table 4. Vehicle Emission Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. Fleet station permit.</u> <u>A.R.S. § 49-546.</u> <u>A.A.C. R18-2-1019, R18-2-1026.</u>	<u>15</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-2-1019.</u> <u>Department application form required.</u>
<u>2. Analyzer facility registration.</u> <u>A.R.S. §§ 49-542(J)(4) and 49-546(A)(2).</u> <u>A.A.C. R18-2-1027.</u>	<u>10</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-2-1027.</u> <u>Department application form and site inspection</u> <u>required.</u>

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Table 5. Safe Drinking Water Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Drinking water approval-to-construct (ATC) licenses:</u>				
<u>1. Standard drinking water treatment facility, project, or well approval to construct.</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-505.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>
<u>2. Complex drinking water treatment facility, project, or well approval to construct.</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-505.</u>	<u>11</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>
<u>3. Standard public and semi-public swimming pool design approval.</u> <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-5-203.</u> <u>Department application form and site inspection required.</u>
<u>4. Complex public and semi-public swimming pool design approval.</u> <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-5-203.</u> <u>Department application form and site inspection required.</u>
<u>Group II: Drinking water approval-of-construction (AOC) licenses:</u>				
<u>5. Standard drinking water treatment facility, project, or well approval of construction.</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-507.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-507.</u> <u>Department application form and site inspection required.</u>
<u>6. Complex drinking water treatment facility, project, or well approval of construction.</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-507.</u>	<u>11</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-4-507.</u> <u>Department application form and site inspection required.</u>
<u>7. Standard public and semi-public swimming pool approval of construction.</u> <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-5-204.</u> <u>Department application form and site inspection required.</u>
<u>8. Complex public and semi-public swimming pool approval of construction.</u> <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-5-204.</u> <u>Department application form and site inspection required.</u>
<u>Group III: Other licenses:</u>				
<u>9. Standard drinking water new source approval.</u> <u>A.R.S. § 49-353.</u> <u>R-18-4-505.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>

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10. Complex drinking water new source approval.
A.R.S. § 49-353.
R-18-4-505.

11 62 No

A.A.C. R18-4-505.
Department application form and site inspection
required.

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Table 5 (Continued). Safe Drinking Water Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group III (Continued): Other licenses:</u>				
<u>11. Drinking water time extension approval.</u>	<u>11</u>	<u>11</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u>
<u>A.R.S. § 49-353.</u>				<u>Department application form required.</u>
<u>A.A.C. R18-4-505.</u>				

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Table 5-N. Safe Drinking Water Construction Licenses Issued by the Northern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Drinking water approval-to-construct (ATC) licences:</u>				
<u>1. Standard drinking water treatment facility, project, or well approval to construct.</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-505.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>
<u>2. Complex drinking water treatment facility, project, or well approval to construct.</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-505.</u>	<u>11</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>
<u>3. Standard public and semi-public swimming pool design approval.</u> <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-5-203.</u> <u>Department application form and site inspection required.</u>
<u>4. Complex public and semi-public swimming pool design approval.</u> <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-5-203.</u> <u>Department application form and site inspection required.</u>
<u>Group II: Drinking water approval-of-construction (AOC) licenses:</u>				
<u>5. Standard drinking water treatment facility, project, or well approval of construction.</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-507.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-507.</u> <u>Department application form and site inspection required.</u>
<u>6. Complex drinking water treatment facility, project, or well approval of construction.</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-507.</u>	<u>11</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-4-507.</u> <u>Department application form and site inspection required.</u>
<u>7. Standard public and semi-public swimming pool approval of construction.</u> <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-5-204.</u> <u>Department application form and site inspection required.</u>
<u>8. Complex public and semi-public swimming pool approval of construction.</u> <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-5-204.</u> <u>Department application form and site inspection required.</u>
<u>Group III: Other licenses:</u>				
<u>9. Standard drinking water new source approval.</u> <u>A.R.S. § 49-353.</u> <u>R-18-4-505.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>

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10. Complex drinking water new source approval.
A.R.S. § 49-353.
R-18-4-505.

11 62 No

A.A.C. R18-4-505.
Department application form and site inspection
required.

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Table 5-N (Continued). Safe Drinking Water Construction Licenses Issued by the Northern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR</u> <u>TF</u> <u>Days</u>	<u>SR</u> <u>TF</u> <u>Days</u>	<u>Subject</u> <u>to</u> <u>Sanctions</u>	<u>Application Components</u>
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Group III (Continued): Other licenses:

<u>11. Drinking water time extension approval,</u> <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-505.</u>	<u>11</u>	<u>11</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form required.</u>
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Table 5-S. Safe Drinking Water Construction Licenses Issued by the Southern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Drinking water approval-to-construct (ATC) licences:</u>				
1. Standard drinking water treatment facility, project, or well approval to construct. <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-505.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>
2. Complex drinking water treatment facility, project, or well approval to construct. <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-505.</u>	<u>11</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>
3. Standard public and semi-public swimming pool design approval. <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-5-203.</u> <u>Department application form and site inspection required.</u>
4. Complex public and semi-public swimming pool design approval. <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-5-203.</u> <u>Department application form and site inspection required.</u>
<u>Group II: Drinking water approval-of-construction (AOC) licenses:</u>				
5. Standard drinking water treatment facility, project, or well approval of construction. <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-507.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-507.</u> <u>Department application form and site inspection required.</u>
6. Complex drinking water treatment facility, project, or well approval of construction. <u>A.R.S. § 49-353.</u> <u>A.A.C. R18-4-507.</u>	<u>11</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-4-507.</u> <u>Department application form and site inspection required.</u>
7. Standard public and semi-public swimming pool approval of construction. <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-5-204.</u> <u>Department application form and site inspection required.</u>
8. Complex public and semi-public swimming pool approval of construction. <u>A.R.S. § 49-104(B)(12).</u>	<u>21</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-5-204.</u> <u>Department application form and site inspection required.</u>

Group III: Other licenses:

9. Standard drinking water new source approval. <u>A.R.S. § 49-353.</u> <u>R-18-4-505.</u>	<u>11</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection required.</u>
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<u>10. Complex drinking water new source approval,</u> <u>A.R.S. § 49-353,</u> <u>R-18-4-505.</u>	<u>11</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form and site inspection</u> <u>required.</u>
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Table 5-S (Continued). Safe Drinking Water Construction Licenses Issued by the Southern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

	<u>ACR</u>	<u>SR</u>	<u>Subject</u>	
<u>License Category</u>	<u>TF</u>	<u>TF</u>	<u>to</u>	
	<u>Days</u>	<u>Days</u>	<u>Sanctions</u>	<u>Application Components</u>

Group III (Continued): Other licenses:

<u>11. Drinking water time extension approval,</u> <u>A.R.S. § 49-353,</u> <u>A.A.C. R18-4-505.</u>	<u>11</u>	<u>11</u>	<u>No</u>	<u>A.A.C. R18-4-505.</u> <u>Department application form required.</u>
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Table 6. Wastewater Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Wastewater approval-to-construct (ATC) licences:</u>				
1. <u>Standard wastewater treatment facility approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
2. <u>Complex wastewater treatment facility approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
3. <u>Standard sewerage collection system approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
4. <u>Complex sewerage collection system approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
5. <u>Standard individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
6. <u>Complex individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
7. <u>Standard non-individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>

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8. <u>Complex non-individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
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Table 6 (Continued). Wastewater Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I (Continued): Wastewater approval-to-construct (ATC) licenses:</u>				
9. <u>Standard reclaimed wastewater and sewage disposal facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
10. <u>Complex reclaimed wastewater and sewage disposal facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>Group II: Wastewater approval-of-construction (AOC) licenses:</u>				
11. <u>Standard wastewater treatment facility approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
12. <u>Complex wastewater treatment facility approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
13. <u>Standard sewerage collection system approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
14. <u>Complex sewerage collection system approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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<u>15. Standard individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
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Table 6 (Continued). Wastewater Construction Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group II (Continued): Wastewater approval-of-construction (AOC) licenses:</u>				
<u>16. Complex individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>17. Standard non-individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>18. Complex non-individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>19. Standard reclaimed wastewater and sewage disposal facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>20. Complex reclaimed wastewater and sewage disposal facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>Group III: Other wastewater licenses:</u>				
<u>21. Wastewater time extension approval.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804(F).</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-804(F).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>22. CWA § 208 consistency review approval.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804(I) and R18-9-804(J).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-9-804(I) and R18-9-804(J).</u> <u>Department application form required.</u>

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Table 6-E. Wastewater Construction Licenses Issued by the Enforcement Unit

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Wastewater approval-to-construct (ATC) licences:</u>				
1. <u>Standard wastewater treatment facility approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
2. <u>Complex wastewater treatment facility approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
3. <u>Standard sewerage collection system approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
4. <u>Complex sewerage collection system approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
5. <u>Standard individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
6. <u>Complex individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
7. <u>Standard non-individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>

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8. <u>Complex non-individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
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Table 6-E (Continued). Wastewater Construction Licenses Issued by the Enforcement Unit

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I (Continued): Wastewater approval-to-construct (ATC) licenses:</u>				
9. <u>Standard reclaimed wastewater and sewage disposal facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
10. <u>Complex reclaimed wastewater and sewage disposal facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>Group II: Wastewater approval-of-construction (AOC) licenses:</u>				
11. <u>Standard wastewater treatment facility approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
12. <u>Complex wastewater treatment facility approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
13. <u>Standard sewerage collection system approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
14. <u>Complex sewerage collection system approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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<u>15. Standard individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
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Table 6-E (Continued). Wastewater Construction Licenses Issued by the Enforcement Unit

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group II (Continued): Wastewater approval-of-construction (AOC) licenses:</u>				
<u>16. Complex individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>17. Standard non-individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>18. Complex non-individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>19. Standard reclaimed wastewater and sewage disposal facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>20. Complex reclaimed wastewater and sewage disposal facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>Group III: Other wastewater licenses:</u>				
<u>21. Wastewater time extension approval.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804(F).</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-804(F).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>22. CWA § 208 consistency review approval.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804(I) and R18-9-804(J).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-9-804(I) and R18-9-804(J).</u> <u>Department application form required.</u>

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Table 6-N. Wastewater Construction Licenses Issued by the Northern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Wastewater approval-to-construct (ATC) licences:</u>				
1. <u>Standard wastewater treatment facility approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
2. <u>Complex wastewater treatment facility approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
3. <u>Standard sewerage collection system approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
4. <u>Complex sewerage collection system approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
5. <u>Standard individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
6. <u>Complex individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
7. <u>Standard non-individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>

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8. <u>Complex non-individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
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Table 6-N (Continued). Wastewater Construction Licenses Issued by the Northern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
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Group I (Continued): Wastewater approval-to-construct (ATC) licenses:

9. <u>Standard reclaimed wastewater and sewage disposal facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
10. <u>Complex reclaimed wastewater and sewage disposal facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>

Group II: Wastewater approval-of-construction (AOC) licenses:

11. <u>Standard wastewater treatment facility approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
12. <u>Complex wastewater treatment facility approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
13. <u>Standard sewerage collection system approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
14. <u>Complex sewerage collection system approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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<u>15. Standard individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
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Table 6-N (Continued). Wastewater Construction Licenses Issued by the Northern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group II (Continued): Wastewater approval-of-construction (AOC) licenses:</u>				
<u>16. Complex individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>17. Standard non-individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>18. Complex non-individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>19. Standard reclaimed wastewater and sewage disposal facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>20. Complex reclaimed wastewater and sewage disposal facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>Group III: Other wastewater licenses:</u>				
<u>21. Wastewater time extension approval.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804(F).</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-804(F).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>22. CWA § 208 consistency review approval.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804(I) and R18-9-804(J).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-9-804(I) and R18-9-804(J).</u> <u>Department application form required.</u>

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Table 6-S. Wastewater Construction Licenses Issued by the Southern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Wastewater approval-to-construct (ATC) licences:</u>				
<u>1. Standard wastewater treatment facility approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>2. Complex wastewater treatment facility approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>3. Standard sewerage collection system approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>4. Complex sewerage collection system approval to construct.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>5. Standard individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>6. Complex individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>7. Standard non-individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>

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8. <u>Complex non-individual on-site wastewater facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
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Table 6-S (Continued). Wastewater Construction Licenses Issued by the Southern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I (Continued): Wastewater approval-to-construct (ATC) licenses:</u>				
9. <u>Standard reclaimed wastewater and sewage disposal facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
10. <u>Complex reclaimed wastewater and sewage disposal facility approval to construct.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-703, R18-9-803, and R18-9-804, R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, § 208 consistency determination, and initial fee required.</u>
<u>Group II: Wastewater approval-of-construction (AOC) licenses:</u>				
11. <u>Standard wastewater treatment facility approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
12. <u>Complex wastewater treatment facility approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
13. <u>Standard sewerage collection system approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
14. <u>Complex sewerage collection system approval of construction.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

<u>15. Standard individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
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Table 6-S (Continued). Wastewater Construction Licenses Issued by the Southern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group II (Continued): Wastewater approval-of-construction (AOC) licenses:</u>				
<u>16. Complex individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>17. Standard non-individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>18. Complex non-individual on-site wastewater facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>19. Standard reclaimed wastewater and sewage disposal facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>20. Complex reclaimed wastewater and sewage disposal facility approval of construction.</u> <u>A.R.S. § 49-361 and 49-362.</u> <u>A.A.C. R18-9-804.</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-9-803, R18-9-805, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>Group III: Other wastewater licenses:</u>				
<u>21. Wastewater time extension approval.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804(F).</u>	<u>21</u>	<u>21</u>	<u>Yes</u>	<u>A.A.C. R18-9-804(F).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>22. CWA § 208 consistency review approval.</u> <u>A.R.S. §§ 49-361 and 49-362.</u> <u>A.A.C. R18-9-804(I) and R18-9-804(J).</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-9-804(I) and R18-9-804(J).</u> <u>Department application form required.</u>

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Table 7. Subdivision Sanitary Facility Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. Standard subdivision water and wastewater approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>37</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>2. Complex subdivision water and wastewater.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>3. Standard water and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>46</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>4. Complex water and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>5. Standard dry lot and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>46</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>6. Complex dry lot and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>

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Table 7-N. Subdivision Sanitary Facility Licenses Issued by the Northern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
1. <u>Standard subdivision water and wastewater approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>37</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
2. <u>Complex subdivision water and wastewater.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
3. <u>Standard water and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>46</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
4. <u>Complex water and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
5. <u>Standard dry lot and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>46</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
6. <u>Complex dry lot and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>

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Table 7-S. Subdivision Sanitary Facility Licenses Issued by the Southern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. Standard subdivision water and wastewater approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>37</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>2. Complex subdivision water and wastewater.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>3. Standard water and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>46</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>4. Complex water and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>5. Standard dry lot and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>46</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>
<u>6. Complex dry lot and on-site wastewater subdivision approval.</u> <u>A.R.S. § 49-104(B)(11).</u> <u>A.A.C. R18-5-401 through R18-5-411 and R18-9-804.</u>	<u>21</u>	<u>67</u>	<u>Yes</u>	<u>A.A.C. R18-5-401 through R18-5-411, R18-9-803,</u> <u>R18-9-804, and R18-9-806.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, §208</u> <u>consistency determination, and initial fee required.</u>

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Table 8. Safe Drinking Water Monitoring and Treatment Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Safe drinking water monitoring, sample, and sample site change and waiver licenses:</u>				
<u>1. Monitoring frequency change approval.</u> A.R.S. § 49-353(A)(2). A.A.C. R18-4-206(G)(1), R18-4-206(G)(2), R18-4-206(J), R18-4-206(K)(1), R18-4-206(K)(2), R18-4-207(I)(1), R18-4-207(I)(2), R18-4-208(E), R18-4-208(F), R18-4-209(G), R18-4-212(E), R18-4-212(F), R18-4-212(G)(1), R18-4-212(G)(2), R18-4-212(I)(3), R18-4-213(A), R18-4-214(F), R18-4-216(E), R18-4-216(G)(1), R18-4-216(G)(2), R18-4-216(H)(3), R18-4-217(E)(1), R18-4-310(E), R18-4-310(E)(2), R18-4-313(J), R18-4-313(K), R18-4-313(M)(1), R18-4-313(M)(2), R18-4-313(M)(4), R18-4-403(E)(1), R18-4-403(E)(2).	<u>15</u>	<u>27</u>	<u>No</u>	A.A.C. R18-4-206(G)(1), R18-4-206(G)(2), R18-4-206(J), R18-4-206(K)(1), R18-4-206(K)(2), R18-4-207(I)(1), R18-4-207(I)(2), R18-4-208(E), R18-4-208(F), R18-4-209(G), R18-4-212(E), R18-4-212(F), R18-4-212(G)(1), R18-4-212(G)(2), R18-4-212(I)(3), R18-4-213(A), R18-4-214(F), R18-4-216(E), R18-4-216(G)(1), R18-4-216(G), R18-4-216(H)(3), R18-4-217(E)(1), R18-4-310(E), R18-4-310(E)(2), R18-4-313(J), R18-4-313(K), R18-4-313(M)(1), R18-4-313(M)(2), R18-4-313(M)(4), R18-4-403(E)(1), R18-4-403(E)(2). <u>Department application form required.</u>
<u>2. Monitoring sample change approval.</u> A.R.S. § 49-353(A)(2). A.A.C. R18-4-214(E), R18-4-310(E), R18-4-313(J), R18-4-313(M)(1), R18-4-313(M)(2).	<u>15</u>	<u>27</u>	<u>No</u>	A.A.C. R18-4-214(E), R18-4-310(E), R18-4-313(J), R18-4-313(M)(1), R18-4-313(M)(2). <u>Department application form required.</u>
<u>3. Residual disinfectant concentration sampling interval approval.</u> A.R.S. § 49-353(A)(2). A.A.C. R18-4-303(B)(2)(a).	<u>15</u>	<u>15</u>	<u>No</u>	A.A.C. R18-4-303. <u>Department application form required.</u>
<u>4. Interim monitoring relief determination.</u> A.R.S. § 49-359(B)(3).	<u>21</u>	<u>41</u>	<u>No</u>	A.R.S. § 49-359(B). <u>Department application form required.</u>
<u>5. Man-made radioactivity environmental surveillance substitution approval.</u> A.R.S. § 49-353(A)(2). A.A.C. R18-4-217(H)(3)(d).	<u>21</u>	<u>62</u>	<u>No</u>	A.A.C. R18-4-217(H)(3)(d). <u>Department application form required.</u>
<u>6. Consecutive public water system monitoring requirements modification approval.</u> A.R.S. § 49-353(A)(2). A.A.C. R18-4-113.	<u>21</u>	<u>84</u>	<u>No</u>	A.A.C. R18-4-113. <u>Department application form and site inspection required.</u>
<u>7. Trihalomethane source basis for sampling purposes approval.</u> A.R.S. § 49-353(A)(2). A.A.C. R18-4-214(C).	<u>21</u>	<u>167</u>	<u>No</u>	A.A.C. R18-4-214. <u>Department application form and site inspection required.</u>

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8. Sodium multiple well sampling number reduction approval.

A.R.S. § 49-353(A)(2).

A.A.C. R18-4-402(B).

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A.A.C. R18-4-402.

Department application form and site inspection required.

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Table 8 (Continued). Safe Drinking Water Monitoring and Treatment Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I (Continued): Safe drinking water monitoring, sample, and sample site change and waiver licenses:</u>				
9. <u>Turbidity monitoring frequency reduction approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-302(H).</u>	<u>21</u>	<u>167</u>	<u>No</u>	<u>A.A.C. R18-4-302.</u> <u>Department application form and site inspection</u> <u>required.</u>
10. <u>Monitoring waiver approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-206(L), R18-4-207(L), R18-4-212(K)(1),</u> <u>R18-4-212(K)(2), R18-4-212(K)(3), R18-4-212(K)(4),</u> <u>R18-4-216(M)(1), R18-4-216(M)(2), R18-4-217(E)(2),</u> <u>R18-4-401(D), R18-4-404(E), R18-4-404(F).</u>	<u>21</u>	<u>105</u>	<u>No</u>	<u>A.A.C. R18-4-206(L), R18-4-207(L), R18-4-</u> <u>212(K)(1), R18-4-212(K)(2), R18-4-212(K)(3), R18-</u> <u>4-212(K)(4), R18-4-216(M)(1), R18-4-216(M)(2),</u> <u>R18-4-217(E)(2), R18-4-401(D), R18-4-404(E),</u> <u>R18-4-404(F).</u> <u>Department application form required.</u>
<u>Group II: Safe drinking water variance and exemption licenses:</u>				
11. <u>Maximum contaminant level or treatment technique</u> <u>requirement variance with no public hearing.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-110.</u>	<u>21</u>	<u>105</u>	<u>No</u>	<u>A.A.C. R18-4-110.</u> <u>Department application form and site inspection</u> <u>required.</u>
12. <u>Maximum contaminant level or treatment technique</u> <u>requirement variance with a public hearing.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-110.</u>	<u>21</u>	<u>187</u>	<u>No</u>	<u>A.A.C. R18-4-110.</u> <u>Department application form and site inspection</u> <u>required.</u>
13. <u>Maximum contaminant level or treatment technique</u> <u>requirement exemption with no public hearing.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-111.</u>	<u>21</u>	<u>105</u>	<u>No</u>	<u>A.A.C. R18-4-111.</u> <u>Department application form and site inspection</u> <u>required.</u>
14. <u>Maximum contaminant level or treatment technique</u> <u>requirement exemption with a public hearing.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-111.</u>	<u>21</u>	<u>187</u>	<u>No</u>	<u>A.A.C. R18-4-111.</u> <u>Department application form and site inspection</u> <u>required.</u>
15. <u>Maximum contaminant level or treatment technique</u> <u>requirement compliance extension approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-111(C).</u>	<u>21</u>	<u>32</u>	<u>No</u>	<u>A.A.C. R18-4-111.</u> <u>Department application form and site inspection</u> <u>required.</u>
16. <u>Maximum contaminant level or treatment technique</u> <u>requirement compliance additional extension approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-111(C)(4).</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>A.A.C. R18-4-111.</u> <u>Department application form and site inspection</u> <u>required.</u>

17. Safe drinking water requirement exclusion approval. 21 42 No
A.R.S. § 49-353(A)(2).
A.A.C. R18-4-112(A).

A.A.C. R18-4-112(B).
Department application form and site inspection
required.

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Table 8 (Continued). Safe Drinking Water Monitoring and Treatment Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

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Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group II (Continued): Safe drinking water variance and exemption licenses:</u>				
<u>18. Backflow-prevention assembly third-party certifying entity designation approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-115(D)(2).</u>	<u>21</u>	<u>105</u>	<u>No</u>	<u>A.A.C. R18-4-115.</u> <u>Department application form and site inspection required.</u>
<u>Group III: Safe drinking water treatment and monitoring plan licenses:</u>				
<u>19. Maximum contaminant level compliance blending plan approval (for 10 or fewer points-of entry).</u> <u>A.R.S. § 49-353(A)(2).</u> <u>R18-4-221(A).</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>A.A.C. R18-4-221.</u> <u>Department application form and site inspection required.</u>
<u>20. Maximum contaminant level compliance blending plan approval (for more than 10 points-of-entry).</u> <u>A.R.S. § 49-353(A)(2).</u> <u>R18-4-221(A).</u>	<u>21</u>	<u>84</u>	<u>No</u>	<u>A.A.C. R18-4-221.</u> <u>Department application form and site inspection required.</u>
<u>21. Maximum contaminant level compliance blending plan change approval (for 10 or fewer points-of entry).</u> <u>A.R.S. § 49-353(A)(2).</u> <u>R18-4-221(B).</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>A.A.C. R18-4-221.</u> <u>Department application form and site inspection required.</u>
<u>22. Maximum contaminant level compliance blending plan change approval (for more than 10 points-of-entry).</u> <u>A.R.S. § 49-353(A)(2).</u> <u>R18-4-221(B).</u>	<u>21</u>	<u>84</u>	<u>No</u>	<u>A.A.C. R18-4-221.</u> <u>Department application form and site inspection required.</u>
<u>23. Maximum contaminant level compliance at subsequent downstream service connections monitoring plan approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>R18-4-221(A)(2).</u>	<u>21</u>	<u>125</u>	<u>No</u>	<u>A.A.C. R18-4-221.</u> <u>Department application form and site inspection required.</u>
<u>24. Point-of-entry treatment device monitoring plan approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>R18-4-222(B)(1).</u>	<u>15</u>	<u>15</u>	<u>No</u>	<u>A.A.C. R18-4-222.</u> <u>Department application form and site inspection required.</u>
<u>25. Point-of-entry treatment device design approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>R18-4-222(B)(2).</u>	<u>21</u>	<u>167</u>	<u>No</u>	<u>A.A.C. R18-4-222.</u> <u>Department application form and site inspection required.</u>
<u>26. Lead and copper source water treatment determination modification.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-313(N).</u>	<u>21</u>	<u>167</u>	<u>No</u>	<u>A.A.C. R18-4-313.</u> <u>Department application form and site inspection required.</u>

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Table 8 (Continued). Safe Drinking Water Monitoring and Treatment Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

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Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group III (Continued): Safe drinking water treatment and monitoring plan licenses:</u>				
<u>27. Lead and copper source water concentration determination modification.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-314(N).</u>	<u>21</u>	<u>167</u>	<u>No</u>	<u>A.A.C. R18-4-314.</u> <u>Department application form and site inspection required.</u>
<u>28. Lead service line extent under system control determination approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-315(D).</u>	<u>21</u>	<u>105</u>	<u>No</u>	<u>A.A.C. R18-4-315.</u> <u>Department application form and site inspection required.</u>
<u>29. Lead service line extent under system control rebuttable presumption determination approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-315(E).</u>	<u>21</u>	<u>105</u>	<u>No</u>	<u>A.A.C. R18-4-315.</u> <u>Department application form and site inspection required.</u>
<u>Group IV: Lead and copper corrosion control licenses:</u>				
<u>30. Lead and copper optimal corrosion control treatment approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-313(A).</u>	<u>42</u>	<u>502</u>	<u>No</u>	<u>A.A.C. R18-4-313.</u> <u>Department application form and site inspection required.</u>
<u>31. Large water system lead and copper corrosion control activities equivalency demonstration approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-306(B)(1).</u>	<u>42</u>	<u>502</u>	<u>No</u>	<u>A.A.C. R18-4-306.</u> <u>Department application form and site inspection required.</u>
<u>32. Small and medium water system lead and copper corrosion control activities equivalency demonstration approval.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-307(B)(2).</u>	<u>21</u>	<u>502</u>	<u>No</u>	<u>A.A.C. R18-4-307.</u> <u>Department application form and site inspection required.</u>
<u>33. Lead and copper optimal corrosion treatment determination modification.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-313(N).</u>	<u>42</u>	<u>376</u>	<u>No</u>	<u>A.A.C. R18-4-313.</u> <u>Department application form and site inspection required.</u>
<u>34. Lead and copper water quality control parameters determination modification.</u> <u>A.R.S. § 49-353(A)(2).</u> <u>A.A.C. R18-4-313(N).</u>	<u>42</u>	<u>376</u>	<u>No</u>	<u>A.A.C. R18-4-313.</u> <u>Department application form and site inspection required.</u>

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Table 9. Water and Wastewater Facility Operator Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Drinking water operator licenses:</u>				
<u>1. Drinking water treatment or distribution facility operator new certification.</u> <u>A.R.S. § 49-352.</u> <u>A.A.C. R18-5-105.</u>	<u>105</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-5-101 through R18-5-115.</u> <u>Fee: R18-5-113.</u> <u>Department application form, test space availability, and initial fee required.</u>
<u>2. Drinking water treatment or distribution facility operator renewal certification.</u> <u>A.R.S. § 49-352.</u> <u>A.A.C. R18-5-107, R18-5-108(D).</u>	<u>42</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-5-101 through R18-5-115.</u> <u>Fee: R18-5-113.</u> <u>Department application form and initial fee required.</u>
<u>3. Drinking water treatment or distribution facility operator reciprocity certification.</u> <u>A.R.S. § 49-352.</u> <u>A.A.C. R18-5-110(A).</u>	<u>42</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-5-101 through R18-5-115.</u> <u>Fee: R18-5-113.</u> <u>Department application form and initial fee required.</u>
<u>4. Drinking water treatment or distribution facility operator certification without examination.</u> <u>A.R.S. § 49-352.</u> <u>A.A.C. R18-5-111.</u>	<u>42</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-5-101 through R18-5-115.</u> <u>Fee: R18-5-113.</u> <u>Department application form and initial fee required.</u>
<u>Group II: Wastewater operator licenses:</u>				
<u>5. Wastewater treatment or collection facility operator new certification.</u> <u>A.R.S. § 49-361.</u> <u>A.A.C. R18-5-105.</u>	<u>105</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-5-101 through R18-1-115.</u> <u>Fee: A.A.C. R18-1-113.</u> <u>Department application form, test space availability, and initial fee required.</u>
<u>6. Wastewater treatment or collection facility operator renewal certification.</u> <u>A.R.S. § 49-361.</u> <u>A.A.C. R18-5-107, R18-5-108(D).</u>	<u>42</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-5-101 through R18-1-115.</u> <u>Fee: A.A.C. R18-1-113.</u> <u>Department application form and initial fee required.</u>
<u>7. Wastewater treatment or collection system operator reciprocity certification.</u> <u>A.R.S. § 49-361.</u> <u>A.A.C. R18-5-110(A).</u>	<u>42</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-5-101 through R18-1-115.</u> <u>Fee: A.A.C. R18-1-113.</u> <u>Department application form and initial fee required.</u>
<u>8. Wastewater treatment or collection system operator certification without examination.</u> <u>A.R.S. § 49-361.</u> <u>A.A.C. R18-5-111.</u>	<u>42</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-5-101 through R18-1-115.</u> <u>Fee: A.A.C. R18-1-113.</u> <u>Department application form and initial fee required.</u>

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Table 10. Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Wastewater treatment facility individual discharging aquifer protection (AP) licenses:</u>				
1. Standard wastewater treatment facility AP new permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
2. Standard wastewater treatment facility AP new permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
3. Complex wastewater treatment facility AP new permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
4. Complex wastewater treatment facility AP new permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
5. Standard wastewater treatment facility AP major modification permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
6. Standard wastewater treatment facility AP major modification permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
7. Complex wastewater treatment facility AP major modification permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
8. Complex wastewater treatment facility AP major modification permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
9. Standard wastewater treatment facility AP other modification permit. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I (Continued): Wastewater treatment facility individual discharging aquifer protection (AP) licenses:</u>				
<u>10. Complex wastewater treatment facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u>
<u>11. Wastewater treatment facility AP permit transfer approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-121(E).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>12. Wastewater treatment facility AP closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>13. Standard wastewater treatment facility AP post-closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>14. Complex wastewater treatment facility AP post-closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>125</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>15. Wastewater treatment facility AP VEMUR approval.</u> <u>A.R.S. § 49-152(B).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u>
<u>16. Wastewater treatment facility AP VEMUR cancellation approval.</u> <u>A.R.S. § 49-152(C).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u>

Group II: Wastewater treatment facility (with recharge component) individual discharging aquifer protection (AP) licenses:

<u>17. Standard wastewater treatment facility (with recharge component) AP new permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
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18 Standard wastewater treatment facility (with recharge component) AP new permit with a public hearing.
A.R.S. §§ 49-241 through 49-251.
A.A.C. R18-9-101 through R18-9-130.

35

232

Yes

A.A.C. R18-9-107 through R18-9-109.
Fee: R18-14-101 through R18-14-108.
Department application form, site inspection, and initial fee required.

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group II (Continued): Wastewater treatment facility (with recharge component) individual discharging aquifer protection (AP) licenses:</u>				
<u>19. Complex wastewater treatment facility (with recharge component) AP new permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>20. Complex wastewater treatment facility (with recharge component) AP new permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>21. Standard wastewater treatment facility (with recharge component) AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>22. Standard wastewater treatment facility (with recharge component) AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>23. Complex wastewater treatment facility (with recharge component) AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>24. Complex wastewater treatment facility (with recharge component) AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>25. Standard wastewater treatment facility (with recharge component) AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>26. Complex wastewater treatment facility (with recharge component) AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group III: Small BADCT wastewater treatment facility (with designs less than 250,000 gpd) individual discharging aquifer protection (AP) licenses:</u>				
<u>27. Standard small BADCT wastewater treatment facility</u> <u>AP new permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>145</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>28. Standard small BADCT wastewater treatment facility</u> <u>AP new permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>191</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>29. Complex small BADCT wastewater treatment facility</u> <u>AP new permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>208</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>30. Complex small BADCT wastewater treatment facility</u> <u>AP new permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>254</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>31. Standard small BADCT wastewater treatment facility</u> <u>AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>145</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>32. Standard small BADCT wastewater treatment facility</u> <u>AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>191</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>33. Complex small BADCT wastewater treatment facility</u> <u>AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>208</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>34. Complex small BADCT wastewater treatment facility</u> <u>AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>254</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>35. Standard small BADCT wastewater treatment facility</u> <u>AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>145</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group III (Continued): Small BADCT wastewater treatment facility (with designs less than 250,000 gpd) individual discharging aquifer protection (AP) licenses:</u>				
<u>36. Complex small BADCT wastewater treatment facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>208</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>37. Small BADCT wastewater treatment facility AP permit transfer approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-121(E).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>38. Small BADCT wastewater treatment facility AP closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>39. Standard small BADCT wastewater treatment facility AP post-closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>40. Complex small BADCT wastewater treatment facility AP post-closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>125</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>41. Small BADCT wastewater treatment facility AP VEMUR approval.</u> <u>A.R.S. § 49-152(B).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u>
<u>42. Small BADCT wastewater treatment facility AP VEMUR cancellation approval.</u> <u>A.R.S. § 49-152(C).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u>

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
Group IV: Industrial facility individual discharging aquifer protection (AP) licenses:				
43. Standard industrial facility AP new permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
44. Standard industrial facility AP new permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
45. Complex industrial facility AP new permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
46. Complex industrial facility AP new permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
47. Standard industrial facility AP major modification permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
48. Standard industrial facility AP major modification permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
49. Complex industrial facility AP major modification permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
50. Complex industrial facility AP major modification permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
51. Standard industrial facility AP other modification permit. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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52. Complex industrial facility AP other modification per- 35 249 Yes

mit.

A.R.S §§ 49-241 through 49-251.

A.A.C. R18-9-101 through R18-9-130.

A.A.C. R18-9-107 through R18-9-109.

Fee: R18-14-101 through R18-14-108.

Department application form, site inspection, and initial fee required.

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group IV (Continued): Industrial facility individual discharging aquifer protection (AP) licenses:</u>				
<u>53. Industrial facility AP permit transfer approval, A.R.S §§ 49-241 through 49-251, A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-121(E), Fee: R18-14-101 through R18-14-108, Department application form and initial fee required.</u>
<u>54. Industrial facility AP closure plan approval, A.R.S §§ 49-241 through 49-251, A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116, Fee: R18-14-101 through R18-14-108, Department application form, site inspection, and initial fee required.</u>
<u>55. Standard industrial facility AP post-closure plan approval, A.R.S §§ 49-241 through 49-251, A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116, Fee: R18-14-101 through R18-14-108, Department application form, site inspection, and initial fee required.</u>
<u>56. Complex industrial facility AP post-closure plan approval, A.R.S §§ 49-241 through 49-251, A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>125</u>	<u>Yes</u>	<u>A.A.C. R18-9-116, Fee: R18-14-101 through R18-14-108, Department application form, site inspection, and initial fee required.</u>
<u>57. Industrial facility AP VEMUR approval, A.R.S. § 49-152(B), A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-7-207, Department application form and initial fee required.</u>
<u>58. Industrial facility AP VEMUR cancellation approval, A.R.S. § 49-152(C), A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-7-207, Department application form and initial fee required.</u>
<u>Group V: Mine facility individual discharging aquifer protection (AP) licenses:</u>				
<u>59. Standard mine facility AP new permit with no public hearing, A.R.S §§ 49-241 through 49-251, A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109, Fee: R18-14-101 through R18-14-108, Department application form, site inspection, and initial fee required.</u>
<u>60. Standard mine facility AP new permit with a public hearing, A.R.S §§ 49-241 through 49-251, A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109, Fee: R18-14-101 through R18-14-108, Department application form, site inspection, and initial fee required.</u>
<u>61. Complex mine facility AP new permit with no public hearing, A.R.S §§ 49-241 through 49-251, A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109, Fee: R18-14-101 through R18-14-108, Department application form, site inspection, and initial fee required.</u>

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62. Complex mine facility AP new permit with a public hearing. 35 295 Yes
A.R.S §§ 49-241 through 49-251.
A.A.C. R18-9-101 through R18-9-130.

A.A.C. R18-9-107 through R18-9-109.
Fee: R18-14-101 through R18-14-108.
Department application form, site inspection, and initial fee required.

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group V (Continued): Mine facility individual discharging aquifer protection (AP) licenses:</u>				
<u>63. Standard mine facility AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>64. Standard mine facility AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>65. Complex mine facility AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>66. Complex mine facility AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>67. Standard mine facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>68. Complex mine facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>69. Mine facility AP permit transfer approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-121(E).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>70. Mine facility AP closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>71. Standard mine facility AP post-closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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72. Complex mine facility AP post-closure plan approval. 21 125 Yes

A.R.S. §§ 49-241 through 49-251.

A.A.C. R18-9-101 through R18-9-130.

A.A.C. R18-9-116.

Fee: R18-14-101 through R18-14-108.

Department application form, site inspection, and initial fee required.

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
73. Mine facility AP VEMUR approval. <u>A.R.S. § 49-152(B).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u>
74. Mine facility AP VEMUR cancellation approval. <u>A.R.S. § 49-152(C).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u>

Group VI: Other discharging facility individual discharging aquifer protection (AP) licenses:

75. Standard other discharging facility AP new permit with <u>no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and ini-</u> <u>tial fee required.</u>
76. Standard other discharging facility AP new permit with <u>a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and ini-</u> <u>tial fee required.</u>
77. Complex other discharging facility AP new permit with <u>no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and ini-</u> <u>tial fee required.</u>
78. Complex other discharging facility AP new permit with <u>a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and ini-</u> <u>tial fee required.</u>
79. Standard other discharging facility AP major modifica- <u>tion permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and ini-</u> <u>tial fee required.</u>
80. Standard other discharging facility AP major modifica- <u>tion permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and ini-</u> <u>tial fee required.</u>
81. Complex other discharging facility AP major modifica- <u>tion permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and ini-</u> <u>tial fee required.</u>

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<p>82. <u>Complex other discharging facility AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u></p>	<p>35 295 Yes</p>	<p></p>	<p><u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u></p>
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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
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Group VI (Continued): Other discharging facility individual discharging aquifer protection (AP) license:

<p>83. <u>Standard other discharging facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u></p>	<p>35 186 Yes</p>	<p></p>	<p><u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u></p>
<p>84. <u>Complex other discharging facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u></p>	<p>35 249 Yes</p>	<p></p>	<p><u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u></p>
<p>85. <u>Other discharging facility AP permit transfer approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u></p>	<p>21 32 Yes</p>	<p></p>	<p><u>A.A.C. R18-9-121(E).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u></p>
<p>86. <u>Other discharging facility AP closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u></p>	<p>21 41 Yes</p>	<p></p>	<p><u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u></p>
<p>87. <u>Standard other discharging facility AP post-closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u></p>	<p>21 41 Yes</p>	<p></p>	<p><u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u></p>
<p>88. <u>Complex other discharging facility AP post-closure plan approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u></p>	<p>21 125 Yes</p>	<p></p>	<p><u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u></p>
<p>89. <u>Other discharging facility AP VEMUR approval.</u> <u>A.R.S. § 49-152(B).</u> <u>A.A.C. R18-7-207.</u></p>	<p>15 47 No</p>	<p></p>	<p><u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u></p>
<p>90. <u>Other discharging facility AP VEMUR cancellation approval.</u> <u>A.R.S. § 49-152(C).</u> <u>A.A.C. R18-7-207.</u></p>	<p>15 27 No</p>	<p></p>	<p><u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u></p>

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group VII: Reclaimed wastewater reuse licenses:</u>				
91. Standard reclaimed wastewater reuse new permit with no public hearing. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
92. Standard reclaimed wastewater reuse new permit with a public hearing. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
93. Complex reclaimed wastewater reuse new permit with no public hearing. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
94. Complex reclaimed wastewater reuse new permit with a public hearing. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
95. Standard reclaimed wastewater reuse major modification permit with no public hearing. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
96. Standard reclaimed wastewater reuse major modification permit with a public hearing. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u>
97. Complex reclaimed wastewater reuse major modification permit with no public hearing. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
98. Complex reclaimed wastewater reuse major modification permit with a public hearing. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
99. Standard reclaimed wastewater reuse other modification permit. <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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Table 10 (Continued). Water Quality Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group VII (Continued): Reclaimed wastewater reuse licenses:</u>				
<u>100. Complex reclaimed wastewater reuse other modification permit.</u> <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-705.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>101. Reclaimed wastewater reuse permit transfer approval.</u> <u>A.R.S. § 49-250(B)(8).</u> <u>A.A.C. R18-9-701 through R18-9-707.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-121(E).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>Group VIII: Noneffluent groundwater recharge licenses:</u>				
<u>102. Standard noneffluent groundwater recharge approval.</u> <u>A.R.S. § 45-811.01(C)(5).</u>	<u>35</u>	<u>70</u>	<u>No</u>	<u>A.R.S. § 45-811.01(C)(5).</u>
<u>103. Complex noneffluent groundwater recharge approval.</u> <u>A.R.S. § 45-811.01(C)(5).</u>	<u>35</u>	<u>112</u>	<u>No</u>	<u>A.R.S. § 45-811.01(C)(5).</u>
<u>104. Noneffluent groundwater recharge pilot project time extension approval.</u> <u>A.R.S. § 49-241.</u> <u>A.A.C. R18-9-127(B).</u>	<u>10</u>	<u>10</u>	<u>No</u>	<u>A.A.C. R18-9-127(B).</u>
<u>Group IX: Facility registration licenses:</u>				
<u>105. Dry well registration.</u> <u>A.R.S. § 49-332.</u>	<u>21</u>	<u>0</u>	<u>No</u>	<u>Fee: A.A.C. R18-14-103(B)(1).</u> <u>Department application form and initial fee required.</u>
<u>106. Significant industrial user registration.</u> <u>A.R.S. § 49-209.</u>	<u>21</u>	<u>0</u>	<u>No</u>	<u>Fee: A.A.C. R18-14-103(B)(2).</u> <u>Department application form and initial fee required.</u>
<u>Group X: Pesticide contamination prevention licenses:</u>				
<u>107. New pesticide approval.</u> <u>A.R.S. § 49-302(F).</u> <u>A.A.C. R18-6-102(B).</u>	<u>62</u>	<u>124</u>	<u>No</u>	<u>A.A.C. R18-6-102, R18-6-106.</u>
<u>108. Active ingredient or pesticide criticality determination.</u> <u>A.R.S. § 49-302(F).</u> <u>A.A.C. R18-6-102(B).</u>	<u>21</u>	<u>41</u>	<u>No</u>	<u>A.A.C. R18-6-102.</u>
<u>109. Pesticide addition or deletion to groundwater protection list approval.</u> <u>A.R.S. § 49-305(A).</u> <u>A.A.C. R18-6-105(D).</u>	<u>21</u>	<u>41</u>	<u>No</u>	<u>A.A.C. R18-6-105(D).</u>

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Table 11. Surface Water Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Clean Water Act (CWA) § 401 certification licenses:</u>				
<u>1. CWA § 401 state certification of a proposed CWA § 402 NPDES permit.</u> <u>A.R.S. § 49-202.</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>A.R.S. § 49-202.</u> <u>Public notice of underlying proposed permit required.</u>
<u>2. CWA § 401 state certification of a proposed CWA § 404 permit.</u> <u>A.R.S. § 49-202.</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>A.R.S. § 49-202, 33 U.S.C. § 1341(a).</u> <u>Public notice of underlying proposed permit and</u> <u>Department application form required.</u>
<u>3. CWA § 401 state certification of a proposed nonpoint source activity for a federal permit.</u> <u>A.R.S. § 49-202.</u>	<u>5</u>	<u>32</u>	<u>No</u>	<u>A.R.S. § 49-202.</u> <u>Department application form required.</u>

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Table 12. Solid Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Solid waste variance licenses:</u>				
1. Rule or standard variance request. <u>A.R.S. § 49-763.01.</u>	<u>21</u>	<u>41</u>	<u>No</u>	<u>A.R.S. § 49-763.01.</u> <u>Department application form required.</u>
<u>Group II: Land application of biosolids licenses:</u>				
2. Biosolid applicator registration request acknowledgment. <u>A.R.S. § 49-761(F).</u> <u>A.A.C. R18-13-1504(A).</u>	<u>15</u>	<u>0</u>	<u>No</u>	<u>A.A.C. R18-13-1504(C).</u> <u>Department application form required.</u>
<u>Group III: Nonlandfill solid waste facility individual discharging aquifer protection (AP) licenses:</u>				
3. Standard nonlandfill solid waste discharging facility AP new permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
4. Standard nonlandfill solid waste discharging facility AP new permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
5. Complex nonlandfill solid waste discharging facility AP new permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
6. Complex nonlandfill solid waste discharging facility AP new permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
7. Standard nonlandfill solid waste discharging facility AP major modification permit with no public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
8. Standard nonlandfill solid waste discharging facility AP major modification permit with a public hearing. <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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9. Complex nonlandfill solid waste discharging facility AP 35 249 Yes
major modification permit with no public hearing.
A.R.S §§ 49-241 through 49-251.
A.A.C. R18-9-101 through R18-9-130.

A.A.C. R18-9-107 through R18-9-109.
Fee: R18-14-101 through R18-14-108.
Department application form, site inspection, and ini-
tial fee required.

Arizona Administrative Register
Notices of Final Rulemaking

Table 12 (Continued). Solid Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group III (Continued): Nonlandfill solid waste facility individual discharging aquifer protection (AP) licenses:</u>				
<u>10. Complex nonlandfill solid waste discharging facility AP major modification permit with a public hearing. A.R.S §§ 49-241 through 49-251. A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109. Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.</u>
<u>11. Standard nonlandfill solid waste discharging facility AP other modification permit. A.R.S §§ 49-241 through 49-251. A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109. Fee: R18-14-101 through R18-14-108. Department application form and initial fee required.</u>
<u>12. Complex nonlandfill solid waste discharging facility AP other modification permit. A.R.S §§ 49-241 through 49-251. A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109. Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.</u>
<u>13. Nonlandfill solid waste discharging facility AP permit transfer approval. A.R.S §§ 49-241 through 49-251. A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-121(E). Fee: R18-14-101 through R18-14-108. Department application form and initial fee required.</u>
<u>14. Nonlandfill solid waste discharging facility AP closure plan approval. A.R.S §§ 49-241 through 49-251. A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116. Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.</u>
<u>15. Standard nonlandfill solid waste discharging facility AP post-closure plan approval. A.R.S §§ 49-241 through 49-251. A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116. Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.</u>
<u>16. Complex nonlandfill solid waste discharging facility AP post-closure plan approval. A.R.S §§ 49-241 through 49-251. A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>125</u>	<u>Yes</u>	<u>A.A.C. R18-9-116. Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.</u>
<u>17. Nonlandfill solid waste VEMUR approval. A.R.S. § 49-152(B). A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-7-207. Department application form and initial fee required.</u>
<u>18. Nonlandfill solid waste VEMUR cancellation approval. A.R.S. § 49-152(C). A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-7-207. Department application form and initial fee required.</u>

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Table 13. Special Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Special waste licenses:</u>				
<u>1. Waste from shredding motor vehicles alternative sampling plan approval.</u> <u>A.R.S. §§ 49-762 and 49-857.</u> <u>A.A.C. R18-8-307(A).</u>	<u>5</u>	<u>5</u>	<u>No</u>	<u>A.A.C. R18-8-307(A).</u> <u>Initial fee required.</u>
<u>2. Special waste temporary treatment facility approval.</u> <u>A.R.S. §§ 49-762 and 49-857.</u> <u>A.A.C. R18-8-1610.</u>	<u>32</u>	<u>62</u>	<u>No</u>	<u>A.A.C. R18-8-1607.</u>
<u>Group II: Special waste facility plan licenses:</u>				
<u>3. Existing special waste facility plan approval.</u> <u>A.R.S. § 49-762.03(A)(2).</u>	<u>32</u>	<u>124</u>	<u>Yes</u>	<u>A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>4. New special waste facility plan approval with no public hearing.</u> <u>A.R.S. § 49-762.03(A)(1).</u>	<u>32</u>	<u>62</u>	<u>Yes</u>	<u>A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>5. New special waste facility plan approval with a public hearing.</u> <u>A.R.S. § 49-762.03(A)(1).</u>	<u>32</u>	<u>124</u>	<u>Yes</u>	<u>A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>6. New special waste facility operation temporary authorization.</u> <u>A.R.S. § 49-762.03(C).</u>	<u>21</u>	<u>41</u>	<u>No</u>	<u>A.R.S. § 49-762.03(C).</u> <u>Site inspection required.</u>
<u>Group III: Special waste facility amendment licenses:</u>				
<u>7. Special waste facility plan type III substantial change.</u> <u>A.R.S. § 49-762.06(B).</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>8. Special waste facility plan type IV substantial change with no public hearing.</u> <u>A.R.S. § 49-762.06(B).</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614, Fee: R18-13-701 through R18-13-703.</u> <u>Department application form, site inspection, and initial fee required.</u>

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9. Special waste facility plan type IV substantial change with a public hearing. 21 62 Yes
A.R.S. § 49-762.06(B).

A.A.C. R18-8-307 and R18-8-1601 through R18-8-1614. Fee: R18-13-701 through R18-13-703.
Department application form, site inspection, and initial fee required.

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Table 13 (Continued). Special Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group IV: Special waste discharging facility individual discharging aquifer protection (AP) licenses:</u>				
<u>10. Standard special waste discharging facility AP new permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>11. Standard special waste discharging facility AP new permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>12. Complex special waste discharging facility AP new permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>13. Complex special waste discharging facility AP new permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>14. Standard special waste discharging facility AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>15. Standard special waste discharging facility AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>16. Complex special waste discharging facility AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>17. Complex special waste discharging facility AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>18. Standard special waste discharging facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>

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Table 13 (Continued). Special Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group IV (Continued): Special waste discharging facility individual discharging aquifer protection (AP) licenses:</u>				
<u>19. Complex special waste discharging facility AP other modification permit.</u> <u>A.R.S. §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>20. Special waste discharging facility AP permit transfer approval.</u> <u>A.R.S. §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-121(E).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>
<u>21. Special waste discharging facility AP closure plan approval.</u> <u>A.R.S. §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>22. Standard special waste discharging facility AP post-closure plan approval.</u> <u>A.R.S. §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>23. Complex special waste discharging facility AP post-closure plan approval.</u> <u>A.R.S. §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>125</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>24. Special waste VEMUR approval.</u> <u>A.R.S. § 49-152(B).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u>
<u>25. Special waste VEMUR cancellation approval.</u> <u>A.R.S. § 49-152(C).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u> <u>Department application form and initial fee required.</u>

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Table 14. Landfill Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Solid waste landfill facility plan licenses:</u>				
<u>1. Existing solid waste facility plan approval (landfill). A.R.S. §§ 49-761(B) and 49-762.07(E).</u>	<u>32</u>	<u>124</u>	<u>Yes</u>	<u>40 C.F.R. § 257, 40 C.F.R. § 258. Fee: R18-13-701 through R18-13-703. Department application form, site inspection, and initial fee required.</u>
<u>2. New solid waste facility plan approval with no public hearing (landfill). A.R.S. §§ 49-761(B) and 49-762.07(E).</u>	<u>32</u>	<u>62</u>	<u>Yes</u>	<u>40 C.F.R. § 257, 40 C.F.R. § 258. Fee: R18-13-701 through R18-13-703. Department application form, site inspection, and initial fee required.</u>
<u>3. New solid waste facility plan approval with a public hearing (landfill). A.R.S. §§ 49-761(B) and 49-762.07(E).</u>	<u>32</u>	<u>124</u>	<u>Yes</u>	<u>40 C.F.R. § 257, 40 C.F.R. § 258. Fee: R18-13-701 through R18-13-703. Department application form, site inspection, and initial fee required.</u>
<u>4. New landfill operation temporary authorization. A.R.S. § 49-762.03(C).</u>	<u>21</u>	<u>41</u>	<u>No</u>	<u>A.R.S. § 49-762.03(C).</u>
<u>Group II: Solid waste landfill facility amendment licenses:</u>				
<u>5. Solid waste facility plan type III substantial change (landfill). A.R.S. § 49-762.06(B).</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>40 C.F.R. § 257, 40 C.F.R. § 258. Fee: R18-13-701 through R18-13-703. Department application, site inspection, form required.</u>
<u>6. Solid waste facility plan type IV substantial change (landfill) with no public hearing. A.R.S. § 49-762.06(B).</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>40 C.F.R. § 257, 40 C.F.R. § 258. Fee: R18-13-701 through R18-13-703. Department application, site inspection, form required.</u>
<u>7. Solid waste facility plan type IV substantial change (landfill) with a public hearing. A.R.S. § 49-762.06(B).</u>	<u>21</u>	<u>62</u>	<u>Yes</u>	<u>40 C.F.R. § 257, 40 C.F.R. § 258. Fee: R18-13-701 through R18-13-703. Department application, site inspection, form required.</u>
<u>Group III: Landfill facility individual discharging aquifer protection (AP) licenses:</u>				
<u>8. Standard landfill discharging facility AP new permit with no public hearing. A.R.S §§ 49-241 through 49-251. A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109. Fee: R18-14-101 through R18-14-108. Department application form, site inspection, and initial fee required.</u>

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9. Standard landfill discharging facility AP new permit 35 232 Yes
with a public hearing.
A.R.S §§ 49-241 through 49-251.
A.A.C. R18-9-101 through R18-9-130.

A.A.C. R18-9-107 through R18-9-109.
Fee: R18-14-101 through R18-14-108.
Department application form, site inspection, and ini-
tial fee required.

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Table 14 (Continued). Landfill Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

License Category	ACR TF Days	SR TF Days	Subject to Sanctions	Application Components
Group III (Continued): Landfill facility individual discharging aquifer protection (AP) licenses:				
<u>10. Complex landfill discharging facility AP new permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>11. Complex landfill discharging facility AP new permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>12. Standard landfill discharging facility AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>13. Standard landfill discharging facility AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>232</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>14. Complex landfill discharging facility AP major modification permit with no public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>15. Complex landfill discharging facility AP major modification permit with a public hearing.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>295</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>16. Standard landfill discharging facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>186</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>17. Complex landfill discharging facility AP other modification permit.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>35</u>	<u>249</u>	<u>Yes</u>	<u>A.A.C. R18-9-107 through R18-9-109.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>18. Landfill discharging facility AP permit transfer approval.</u> <u>A.R.S §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>32</u>	<u>Yes</u>	<u>A.A.C. R18-9-121(E).</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form and initial fee required.</u>

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Table 14 (Continued). Landfill Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group III (Continued): Landfill facility individual discharging aquifer protection (AP) licenses:</u>				
<u>19. Landfill discharging facility AP closure plan approval.</u> <u>A.R.S. §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form, site inspection, and ini-</u> <u>tial fee required.</u>
<u>20. Standard landfill discharging facility AP post-closure</u> <u>plan approval.</u> <u>A.R.S. §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>41</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form required.</u>
<u>21. Complex landfill discharging facility AP post-closure</u> <u>plan approval.</u> <u>A.R.S. §§ 49-241 through 49-251.</u> <u>A.A.C. R18-9-101 through R18-9-130.</u>	<u>21</u>	<u>125</u>	<u>Yes</u>	<u>A.A.C. R18-9-116.</u> <u>Fee: R18-14-101 through R18-14-108.</u> <u>Department application form required.</u>

Table 15. Reserved

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Table 16. Waste Tire, Lead Acid Battery, and Used Oil Licenses
Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Waste tire licenses:</u>				
<u>1. Waste tire collection site registration.</u> <u>A.R.S. § 44-1303.</u>	<u>11</u>	<u>21</u>	<u>No</u>	<u>A.A.C. R18-8-302(A).</u> <u>Department application form required.</u>
<u>2. Mining off-road waste tire collection facility license.</u> <u>A.R.S. § 44-1304.</u> <u>A.A.C. R18-8-511, R18-8-706.</u>	<u>32</u>	<u>62</u>	<u>No</u>	<u>A.R.S. § 44-1304.</u>
<u>Group II: Lead acid battery licenses:</u>				
<u>3. Lead battery collection or recycling facility authoriza-</u> <u>tion.</u> <u>A.R.S. § 44-1322(C).</u>	<u>32</u>	<u>62</u>	<u>No</u>	<u>A.R.S. § 49-857.01(A).</u> <u>Department application form required.</u>
<u>Group III: Used oil licenses:</u>				
<u>4. Used oil collection center registration number.</u> <u>A.R.S. § 49-802(C)(1).</u>	<u>11</u>	<u>21</u>	<u>No</u>	<u>A.R.S. § 49-802(C)(1).</u>

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Table 17. Hazardous Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Resource Conservation and Recovery Act (RCRA) new and renewal licenses:</u>				
<u>1. Hazardous waste container or tank permit with no public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>251</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.16, and 270.27, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>2. Hazardous waste container or tank permit with a public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>293</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.16, and 270.27, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>3. Hazardous waste surface impoundment permit with no public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, 270.17, and 270.27, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>4. Hazardous waste surface impoundment permit with a public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>418</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, 270.17, and 270.27, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>5. Hazardous waste pile permit with no public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, and 270.18, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>6. Hazardous waste pile permit with a public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>418</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, and 270.18, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>7. Hazardous waste incinerator or burning boiler and industrial furnace (BIF) permit with no public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>502</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, 270.19, 270.22, 270.62, and 270.66, Fee: A.A.C. R18-8-270(G).</u> <u>EPA 8700-23, Department application form, site inspection, and initial fee required.</u>
<u>8. Hazardous waste incinerator or burning boiler and industrial furnace (BIF) permit with a public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>544</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, 270.19, 270.22, 270.62, and 270.66, EPA 8700-23.</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>9. Hazardous waste land treatment permit with no public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, and 270.20, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>

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Table 17 (Continued). Hazardous Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I (Continued): Resource Conservation and Recovery Act (RCRA) new and renewal licenses:</u>				
<u>10. Hazardous waste land treatment permit with a public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>418</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, and 270.20, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>11. Hazardous waste landfill facility permit with no public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>502</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, and 270.21, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>12. Hazardous waste landfill facility permit with a public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>544</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, and 270.21, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>13. Hazardous waste miscellaneous unit permit with no public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, and 270.23, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>14. Hazardous waste miscellaneous unit permit with a public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>418</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, and 270.23, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>15. Hazardous waste drip pad permit with no public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, 270.26, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>16. Hazardous waste drip pad permit with a public hearing.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>418</u>	<u>Yes</u>	<u>40 C.F.R. §§ 270.10-270.14, 270.26, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>17. Hazardous waste emergency permit.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>10</u>	<u>84</u>	<u>Yes</u>	<u>40 C.F.R. § 270.61, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form and site inspection required.</u>
<u>18. Hazardous waste land treatment demonstration using field test or laboratory analysis permit.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. § 270.63, EPA 8700-23, Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>

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19. Hazardous waste research, development, and demon- 84 376 Yes
stration permit.
A.R.S. § 49-922.
A.A.C. R18-8-270(Q).

40 C.F.R. § 270.65, EPA 8700-23.
Fee: A.A.C. R18-8-270(G).
Department application form, site inspection, and ini-
tial fee required.

Arizona Administrative Register
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Table 17 (Continued). Hazardous Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTE means Administrative Completeness Review Time-frame.

SRTE means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I (Continued): Resource Conservation and Recovery Act (RCRA) new and renewal licenses:</u>				
<u>20. Hazardous waste temporary authorization request approval.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>84</u>	<u>No</u>	<u>40 C.F.R. § 270.42(e), EPA 8700-23.</u> <u>Department application form and site inspection required.</u>
<u>Group II: Resource Conservation and Recovery Act (RCRA) modification licenses:</u>				
<u>21. Hazardous waste permit transfer approval.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>125</u>	<u>Yes</u>	<u>40 C.F.R. § 270.40.</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>22. Hazardous waste Class 1 permit modification.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>125</u>	<u>Yes</u>	<u>40 C.F.R. § 270.42(a).</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>23. Hazardous waste Class 2 permit modification.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. § 270.42(b).</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>24. Hazardous waste Class 3 incinerator, BIF, or landfill permit modification.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>502</u>	<u>Yes</u>	<u>40 C.F.R. § 270.42(c).</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>25. Hazardous waste Class 3 other permit modification.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. § 270.42(c).</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>26. Hazardous waste permit modification classification request.</u> <u>A.R.S. § 49-922.</u> <u>A.A.C. R18-8-270.</u>	<u>84</u>	<u>125</u>	<u>Yes</u>	<u>40 C.F.R. § 270.42(d).</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>
<u>Group III: Hazardous waste closure plan licenses:</u>				
<u>27. Hazardous waste interim status facility partial closure plan approval.</u> <u>A.R.S. § 49-922.</u>	<u>84</u>	<u>95</u>	<u>Yes</u>	<u>40 C.F.R. §§ 264 Subpart G and 265 Subpart G.</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required.</u>

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28. Hazardous waste interim status facility final closure 84 95 Yes
plan approval.
A.R.S. § 49-922.

40 C.F.R. §§ 264 Subpart G and 265 Subpart G.
Fee: A.A.C. R18-8-270(G).
Department application form, site inspection, and ini-
tial fee required

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Table 17 (Continued). Hazardous Waste Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group III (Continued): Hazardous waste closure plan licenses:</u>				
<u>29. Hazardous waste post-closure permit with no public hearing.</u> <u>A.R.S. § 49-922.</u>	<u>84</u>	<u>376</u>	<u>Yes</u>	<u>40 C.F.R. § 270.1(c).</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required</u>
<u>30. Hazardous waste post-closure permit with a public hearing.</u> <u>A.R.S. § 49-922.</u>	<u>84</u>	<u>418</u>	<u>Yes</u>	<u>40 C.F.R. § 270.1(c).</u> <u>Fee: A.A.C. R18-8-270(G).</u> <u>Department application form, site inspection, and initial fee required</u>
<u>Group IV: Hazardous waste voluntary environmental mitigation use restriction (VEMUR) licenses:</u>				
<u>31. Hazardous waste VEMUR approval.</u> <u>A.R.S. § 49-152(B).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u>
<u>32. Hazardous waste VEMUR cancellation approval.</u> <u>A.R.S. § 49-152(C).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u>

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Table 18. Underground Storage Tank Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Underground Storage Tank (UST) technical requirement license.</u>				
1. <u>UST temporary closure extension request approval, A.R.S. § 49-1008, A.A.C. R18-12-270.</u>	<u>42</u>	<u>84</u>	<u>No</u>	<u>A.A.C. R18-12-270(F)-(G). Department application form required.</u>
<u>Group II: Underground Storage Tank (UST) service provider licenses.</u>				
2. <u>UST installation and retrofit service provider certifica- tion, A.R.S. § 49-1082, A.A.C. R18-12-803(1).</u>	<u>11</u>	<u>11</u>	<u>No</u>	<u>A.A.C. R18-12-806. Department application form required.</u>
3. <u>UST tightness testing service provider certification, A.R.S. § 49-1082, A.A.C. R18-12-803(2).</u>	<u>11</u>	<u>11</u>	<u>No</u>	<u>A.A.C. R18-12-806. Department application form required.</u>
4. <u>UST cathodic protection testing service provider certifi- cation, A.R.S. § 49-1082, A.A.C. R18-12-803(3).</u>	<u>11</u>	<u>11</u>	<u>No</u>	<u>A.A.C. R18-12-806. Department application form required.</u>
5. <u>UST decommissioning service provider certification, A.R.S. § 49-1082, A.A.C. R18-12-803(4).</u>	<u>11</u>	<u>11</u>	<u>No</u>	<u>A.A.C. R18-12-806. Department application form required.</u>
6. <u>UST interior lining service provider certification, A.R.S. § 49-1082, A.A.C. R18-12-803(5).</u>	<u>11</u>	<u>11</u>	<u>No</u>	<u>A.A.C. R18-12-806. Department application form required.</u>
<u>Group III: Leaking Underground Storage Tank (LUST) licenses.</u>				
7. <u>LUST VEMUR approval, A.R.S. § 49-152(B), A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u>
8. <u>LUST VEMUR cancellation approval, A.R.S. § 49-152(C), A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-7-207.</u>
<u>Group IV: State assurance fund (SAF) licenses.</u>				
9. <u>SAF firm pre-qualification approval, A.R.S. § 49-1052(D), A.A.C. R18-12-602.</u>	<u>11</u>	<u>42</u>	<u>No</u>	<u>A.A.C. R18-12-602. Department application form required.</u>

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Table 19. WQARF Remediation Licenses Issued by the Phoenix Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
1. <u>WQARF preliminary investigation work plan approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.01.</u>	<u>21</u>	<u>63</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06, and 49-287.01.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
2. <u>WQARF remedial investigation work plan approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.03.</u>	<u>21</u>	<u>63</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.03.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
3. <u>WQARF feasibility study work plan approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.03.</u>	<u>21</u>	<u>63</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.03.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
4. <u>WQARF standard remedial action plan (RAP) approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.04.</u>	<u>21</u>	<u>105</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.04.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
5. <u>WQARF complex remedial action plan (RAP) approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.04.</u>	<u>21</u>	<u>146</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.04.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
6. <u>WQARF determination of no further action (DNFA)</u> <u>approval.</u> <u>A.R.S. § 49-287.01(F).</u>	<u>42</u>	<u>84</u>	<u>No</u>	<u>A.R.S. §§ 49-287.01(F) and 49-287.01(G).</u> <u>Site inspection required.</u>
7. <u>WQARF site rescoring approval.</u> <u>A.R.S. § 49-287.01(F).</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>A.R.S. § 49-287.01(F).</u> <u>Site inspection required.</u>
8. <u>WQARF qualified business settlement approval.</u> <u>A.R.S. § 49-292.01(A).</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>A.R.S. § 49-292.01(B).</u> <u>Department application form required.</u>
9. <u>WQARF financial hardship settlement approval.</u> <u>A.R.S. § 49-292.02(A).</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>A.R.S. § 49-292.02(B).</u>
10. <u>WQARF VEMUR approval.</u> <u>A.R.S. § 49-152(B).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-2-207.</u> <u>Department application form required.</u>
11. <u>WQARF VEMUR cancellation approval.</u> <u>A.R.S. § 49-152(C).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-2-207.</u> <u>Department application form required.</u>

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Table 19-S. WQARF Remediation Licenses Issued by the Southern Regional Office

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. WQARF preliminary investigation work plan approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.01.</u>	<u>21</u>	<u>63</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06, and 49-287.01.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
<u>2. WQARF remedial investigation work plan approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.03.</u>	<u>21</u>	<u>63</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.03.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
<u>3. WQARF feasibility study work plan approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.03.</u>	<u>21</u>	<u>63</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.03.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
<u>4. WQARF standard remedial action plan (RAP) approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.04.</u>	<u>21</u>	<u>105</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.04.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
<u>5. WQARF complex remedial action plan (RAP) approval.</u> <u>A.R.S. §§ 49-282.06 and 49-287.04.</u>	<u>21</u>	<u>146</u>	<u>No</u>	<u>A.R.S. §§ 49-151, 49-152, 49-282.06 and 49-287.04.</u> <u>A.A.C. R18-7-201 through R18-7-209.</u> <u>Site inspection required.</u>
<u>6. WQARF determination of no further action (DNFA)</u> <u>approval.</u> <u>A.R.S. § 49-287.01(F).</u>	<u>42</u>	<u>84</u>	<u>No</u>	<u>A.R.S. §§ 49-287.01(F) and 49-287.01(G).</u> <u>Site inspection required.</u>
<u>7. Reserved.</u>				
<u>8. Reserved.</u>				
<u>9. Reserved.</u>				
<u>10. WQARF VEMUR approval.</u> <u>A.R.S. § 49-152(B).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>47</u>	<u>No</u>	<u>A.A.C. R18-2-207.</u> <u>Department application form required.</u>
<u>11. WQARF VEMUR cancellation approval.</u> <u>A.R.S. § 49-152(C).</u> <u>A.A.C. R18-7-207.</u>	<u>15</u>	<u>27</u>	<u>No</u>	<u>A.A.C. R18-2-207.</u> <u>Department application form required.</u>

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Table 20. Voluntary Program Remediation Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>Group I: Voluntary program acceptance license:</u>				
1. Voluntary program eligibility determination, <u>A.R.S. §§ 49-104(A)(17) and 49-282.05.</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>A.R.S. §§ 49-104(A)(17) and 49-282.05.</u>
<u>Group II: Voluntary program greenfields remediation license:</u>				
2. Voluntary program greenfields notice-to-proceed (NTP) approval, <u>A.R.S. § 49-154(C).</u>	<u>5</u>	<u>5</u>	<u>No</u>	<u>A.R.S. § 49-154(C).</u> <u>Department application form required.</u>
<u>Group III: Voluntary program brownfields remediation license:</u>				
3. Voluntary program brownfields certification, <u>Governor letter to EPA of August 29, 1997, concerning the</u> <u>“designation of the Arizona Department of Environmental</u> <u>Quality as A State Environmental Agency pursuant to Sec-</u> <u>tion 198(c)(1)(C)” of the federal Taxpayer Relief Act of</u> <u>1997.</u>	<u>21</u>	<u>21</u>	<u>No</u>	<u>Section 198(c)(1)(C) of the Taxpayer Relief Act of</u> <u>1997.</u> <u>Department application form required.</u>

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Table 21. Pollution Prevention Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. State agency hazardous waste generation level pre-approval.</u> <u>A.R.S. § 49-972(C).</u>	<u>63</u>	<u>63</u>	<u>No</u>	<u>A.R.S. § 49-972(E).</u>

Table 22. Multi-Program Licenses

Subject to A.R.S. § 41-1073(A) Licensing Time-frame Requirements

ACRTF means Administrative Completeness Review Time-frame.

SRTF means Substantive Review Time-frame.

Day means business day.

<u>License Category</u>	<u>ACR TF Days</u>	<u>SR TF Days</u>	<u>Subject to Sanctions</u>	<u>Application Components</u>
<u>1. Airport construction & expansion certificate (air & water).</u> <u>A.R.S. § 49-104.</u>	<u>21</u>	<u>42</u>	<u>No</u>	<u>49 U.S.C. § 2208(7)(A).</u>